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**“Everyday Practices and Shari‘ah Interpretations:
The Dynamics of Shari‘ah Interpretations in the Life of Muslims in
Belgium”**

Makram Ghatas Ishak

ABSTRACT

Muslims of Europe are becoming part of a ‘New Europe’. The question of their settlement and future is becoming not only increasingly important but also a subject of public debate. This research is about the dynamics of multiple interpretations of Shari‘ah in the daily life of Muslims in Belgium as a case study as they face daily challenges to engage meaningfully in European life. Besides containing substantial analyses of the data, as qualitative research, the thesis privileges ordinary Muslims and represents their diverse voices throughout. It uses data not only to identify key themes that concern Belgian Muslims but also examines how they seek to differentially address the demands of their affiliations – Islamic and European. In so doing, the thesis also engages with both the broader secondary literature and primary theoretical writings on minority jurisprudence particularly relevant to Europe. The primary sources for this thesis comprise of the data gathered through interviews with 108 informants (in diverse locations such as, cafes, public places, homes, mosques and offices), personal notes, observations, relevant *fatwas*, writings of Muslim theorists (religious lawyers) and conference documents.

The central research question that guides the thesis is what are the dynamics of Shari‘ah interpretations in the everyday lives of Belgian Muslims? I deal with this question in five main empirical data-driven chapters. This is the first comprehensive thesis on Muslims in Belgium that adds a new dimension to the existing theoretical literature on Shari‘ah by offering an empirical case of its diverse interpretations and applications in Belgium. The thesis advances a new understanding of Shari‘ah interpretations in Europe by focussing not just on Muslim jurists and organizations in developing specific guidance for the practice of Islam in Europe but on the ordinary Muslims who often seek specific guidance for particular issues they face. These Muslims are not mere passive followers but free agents making free choices on a daily basis. This not only explains the diversity of positions but also, most importantly, the development of centrism in the practice of Shari‘ah law.

**‘Everyday Practices and Shari‘ah Interpretations:
The Dynamics of Shari‘ah Interpretations in the Life of Muslims in
Belgium’**

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Doctor of Philosophy in Middlesex University

2019
Oxford Centre for Mission Studies

DECLARATION

This work has not previously been accepted in substance for any degree and is not being concurrently submitted in candidature for any degree.

Signed 

Date 11 June 2019

Statement 1

This thesis is the result of my own investigations, except where otherwise stated. Where correction services have been used, the extent and nature of the correction are clearly marked in a footnote.


Midnotes or footnotes giving explicit references acknowledge other sources. A bibliography is appended.

Signed 

Date 11 June 2019

Statement 2

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Date 25 March 2019

DEDICATION

I dedicate this thesis to the memory of my mother who passed away before I finished my research and to all my friends, Muslims and Non-Muslims who contributed to this project.

ACKNOWLEDGMENTS

This thesis began as a research proposal that then turned into a process of an enquiry. The journey was not easy. I owe much gratitude to the many people along the way for their assistance. I would like to thank all those who made this work possible who have provided both material and emotional support. I express my gratitude to those who helped with the transfer stages for their comments and criticisms that enhanced my understanding of the topic. My research was conducted under the supervision of Dr. David Singh and Dr. Mohammad Talib. I am very grateful for their assistance, guidance, and advice throughout the entire research. My heartfelt thanks are also due to all the staff of OCMS, especially to Dr. Tim Keene, my house tutor, and to all who helped me with proofreading the thesis. I am immensely indebted to the respondents who took part in the research, as without them this thesis would not have been possible. They gave me their time and insightful responses. Each of them had an experience of their own and I hope that I have done justice to the material they provided. Finally, special thanks to my family and friends for their tremendous encouragement.

Transliteration of Arabic Words

This research uses a simplified rendering of Arabic terms without diacritics. Arabic words that have not yet entered the English language are given a simple and consistent transliteration that relates to the Arabic spelling and pronunciation. They are italicised in the body of this work. I have used Arabic words that have already become part of the English in non-italicised form and with their first letter capitalised; these words include Allah, Qur'an, Shari'ah, Surah, Makkah, Madinah, Salafi, Ramadan, Wassati, Da'wah, and Hajj. There are occasional inconsistencies related to the fact that I have kept the renderings of Arabic terms and names that are used by authors when they are quoted in the text of the thesis.

Glossary of Arabic Terms

Da‘wah: literally meaning ‘invitation’ inviting non-Muslims to Islam

Fatwa: specific legal ruling or opinion issued by jurists often in a form of questions and Islamic legal answers. It is given orally or in writing

Fiqh: jurisprudence

Ijtihad: reasoning a technical term, meaning an effort or a rational judgement exercise by a jurist to extract a law from non-explicit scriptural sources to formulate a legal opinion in the absence of texts of reference

Halal: permitted or lawful according to Shari‘ah

Haram: not permitted or unlawful in Shari‘ah

Hajj: the annual pilgrimage to holy places that is one of the five pillars of Islam

Hijab: literally, a partition that separates two things; a curtain. In modern times, it is used to describe a form of women's dress. In this work, it refers to Muslim women's headscarves that hide the hair but reveal the face

Hijrah: literally 'emigration' referring to the Prophet and early companions' emigration from Makkah to Madinah. It marks the beginning of the Islamic calendar

Khulwah: denotes a man and woman's being in privacy alone together in a place in which there is no fear of intrusion by anyone else

Muhrem: denotes a relationship either by marriage or by close blood ties of such degree that marriage is prohibited. With reference to a woman, a *mahram* is either her husband or any male relative with whom marriage is forbidden, such as her father, grandfather, son, brother, uncle or nephew

Riba: Unjustified paid money above the amount of loan, as a condition imposed by the lender or voluntarily by the borrower

Surah: Chapter in the Qur'an

Definitions of Terms

Ethnicity: refers to people who have ethnic origins in another country, and not exclusively to those who have an ethnic nationality. Ethnic Groups refer to groups within the Muslim population of Europe that share a common background, language, and cultural practices, or have a common identity based on a shared history

First and second generations: indicate a distinction made between foreign-born immigrants referring to people who had moved permanently to a country other than their country of birth and had acquired social ties to this country. Second generation immigrants refer to their descendants who are born in Europe

Fiqh al-Mu'amalat: Islamic commercial jurisprudence

Fiqh al-Aqaliyyat: also written as *Fiqh al-Aqliyyat:* is jurisprudence for minorities representing a collective discipline that may be defined as 'the legal rulings relating to Muslims living as minorities among a non-Muslim sovereign group

Islamic *Fiqh*: literally means Islamic law and jurisprudence. It is the science of the application of the Shari'ah extracted, systematized, and implemented by the rulings and interpretations of jurists. It was systematized during the second and third centuries of the Muslim era (AH) in different schools of thought. The different schools of *fiqh* are understood to represent the outcome of human endeavour to apply the rule of the Islamic codes in a given social milieu

Jurists: A jurist is a scholar with the power to issue *fatwas* or collectively a member in a council or *fatwa* body. Although, Islam does not recognize the role of a clergyman as an intermediary in the relationship of man with religion and sanctity, jurists, however, are religious referees of considerable significance

Muslim-minority: I technically use this term with reference to the Muslim migrants to the West. It revolves around the meaning of minority as a group of people, fewer in number and different in certain characteristics, usually skin colour, religion, or culture, from the larger group of which they are an integral part

Non-Muslim for the purpose of this project refers to anyone who does not define himself as belonging to or practising the Islamic faith

Shari'ah also written as Sharia or Shariah: literally means a road or a path, often translated as the 'Islamic legal law' that technically refers to the body of Islamic code of conduct. It represents a divine guide of conduct mainly based on the Qur'an and the prophetic traditions (Sunnah and Hadith). The word Shari'ah is mentioned in

Surah 45:18 indicating a code of living. It denotes an Islamic way of life not just a system of criminal justice

Prophetic Traditions: refer to Sunnah and Hadith that are often considered synonymous with each other, although there is a slight difference between them. Sunnah means precedent and custom implies the doings and the practices of the Prophet. Hadith means a story, or a report stands for words, actions, approval, or disapproval of the Prophet

Turks or Moroccans: refer to people who had their origins in Turkey or Morocco, and not exclusively to those who have Turkish or Moroccan nationalities. The reference to these ethnic groups within the Muslim population of Belgium is only to indicate the membership of a Muslim group that may share the background, ethnic language and cultural practices, or a common identity based on a shared history and not necessarily as they define themselves

Usul al-Fiqh: principles or roots of jurisprudence

Table of Contents

Chapter-----	Page
Abstract	
Declaration-----	i
Dedication-----	ii
Acknowledgment-----	iii
Translation of Arabic Words-----	iv
Glossary of Arabic Terms-----	v
Definitions of Terms-----	vi
List of Tables-----	xi
List of Figures-----	xi
List of Appendices-----	xi
Chapter One: Introduction to the Research	
1.1 Introduction-----	1
1.2 Background-----	1
1.3 Objectives-----	6
1.4 Question(s)-----	7
1.5 Limitations-----	8
1.6 Organization of the Thesis-----	9
1.7 Conclusion-----	10
Chapter Two: The Universe of Muslims in Belgium	
2.1 Introduction-----	13
2.2 History and Context-----	13
2.3 Contemporary Situation -----	15
2.4 Key Features -----	16
2.4.1 Demographic Growth-----	17
2.4.2 Significant Minority-----	18
2.4.3 Unsettled Minorities-----	19
2.4.4 Residency Centres-----	21
2.4.5 Belonging-----	22
2.4.6 Public Behaviour-----	24
2.5 Employment-----	25
2.6 Conflicts -----	26
2.7 Anticipation for the Future-----	28

2.8 Islamic Organizations-----	29
2.9 Conclusion-----	35
Chapter Three: Methodology	
3.1 Introduction -----	38
3.2 Rationale for the Qualitative Approach -----	38
3.3 Research Design-----	40
3.4 Field and Sampling-----	41
3.5 Research Stages-----	44
3.6 Protocol-----	46
3.7 Conclusion -----	48
Chapter Four: Informants: Features, Conflicts and Solutions	
4.1 Introduction -----	50
4.2 Informants-----	50
4.3 Features-----	53
4.4 Belonging and loyalty -----	57
4.5 Religious Practices and Advice -----	60
4.6 Conflicts and Solutions-----	66
4.7 Conclusion -----	70
Chapter Five: Multiple Approaches to Shari‘ah Interpretations	
5.1 Introduction-----	73
5.2 Shari‘ah and Shari‘ah Laws -----	73
5.3 Sources and Scope-----	75
5.4 <i>Ijtihad</i> -----	76
5.5 Multiple Positions -----	80
5.6 The Emergence of <i>Fiqh al-Aqaliyyat</i> -----	86
5.7 Conclusion -----	91
Chapter Six: The Dynamics of Shari‘ah Interpretations in Dietary Rules	
6.1 Introduction-----	94
6.2 Religious Rulings on Dietary Issues -----	94
6.3 Challenges-----	103
6.3.1 Mainstream Jobs-----	104
6.3.2 Self-Employment-----	109
6.3.3 Educational Institutions -----	112
6.3.4 Interactions with Non-Muslims-----	114
6.4 Circumstances of Crisis-----	119
6.5 Conclusion-----	123

Chapter Seven: Dynamics of Shari‘ah Interpretations:

Family Structure and Gender Equality

7.1 Introduction-----	126
7.2 Family Structure -----	126
7.2.1 Inheritance-----	128
7.2.2 Care for Elderly-----	135
7.2.3 Autonomy-----	136
7.3 Gender Equality-----	139
7.4 Conclusion-----	149

Chapter Eight: Marriage, Child-Rearing and Circumstances of Crisis

8.1 Introduction-----	152
8.2 Marriage-----	152
8.3 Child-Rearing -----	162
8.4 Circumstances of Crisis-----	166
8.5 Conclusion-----	169

Chapter Nine: The Complexity of Being outside the Land of Islam

9.1 Introduction -----	173
9.2 Non-Islamic Milieu -----	173
9.2.1 Immigration-----	173
9.2.2 Loyalty-----	179
9.3 Non-Islamic Practices -----	183
9.3.1 Financial Matters -----	183
9.3.2 Cultural Behaviour-----	193
9.4 Unfulfilled Desires and Expectations-----	190
9.5 Conclusion-----	202

Chapter Ten: Conclusion

10.1 Introduction-----	206
10.2 Mapping the Findings-----	206
10.2.1 Muslims Communities-----	208
10.2.2 Jurists-----	211
10.2.3 Policy-Makers-----	217
10.3 Contribution to Knowledge-----	219
10.4 Limitations and Suggestions-----	221
Appendices -----	224
Bibliography-----	271

Tables

Table 1.1 Research Questions-----	7
Table 4.1 Key Aspects of Identity-----	51
Table 4.2 Preference of Taking Marriage Partner-----	59
Table 5.1 Positions of Shari‘ah Interpretation in relation to Gender and Generation---	85
Table 9.1 Emerging Themes of Different Approaches -----	178
Table 9.2 Approaches to Loyalty -----	183

Figures

Figure 2.1 Belgian Federal Divisions-----	20
Figure 3.1 Interactive Research Model-----	40
Figure 3.2 Locations in Brussels -----	42
Figure 3.3 Cities representing the Research Field -----	43
Figure 4.1 Sub-Categories of Research Informants-----	52
Figure 4.2 Male and Female Contemporary Employment-----	55
Figure 4.3 Anticipations for the Future -----	56
Figure 4.4 Sources of Juristic Help -----	63
Figure 4.5 Islamic Laws in Day-to-Day Life -----	65
Figure 5.1 Shari‘ah and Shari‘ah Law-----	74
Figure 5.2 Positions on Shari‘ah Interpretation -----	84
Figure 9.1 Classifications of <i>Riba</i> -----	188
Figure 9.2 Expressed Desires and Expectations-----	200

Appendices

Appendix 1.1 Interfaith- Dialogue Breaking the Invisible Walls -----	224
Appendix 1.2 Historical Development of the Executive of Muslims in Belgium-----	225
Appendix 2.1 Historical Development of Brussels Islamic Centre -----	228
Appendix 3.1 <i>Fatwa</i> Ben Siddik 201- -----	230
Appendix 3.2 <i>Fatwas</i> Panel of Saudi Scholars-----	232
Appendix 4.1 English Sample of Background Questions -----	236
Appendix 4.2 Relevant Aspects of Identities-----	239
Appendix 4.3 Belonging -----	248
Appendix 4.4 Sources of Juridical Help and Important Religious Practices-----	254
Appendix 4.5 Desires, Expectations, and Anticipations-----	259
Appendix 4.6 Discussion Groups-----	268
Appendix 8.1 Purify Your Income -----	269

Chapter One

Introduction to the Research

1.1 Introduction

This Chapter outlines the overall rationale for the present research exploring the dynamics of Shari‘ah interpretations in the everyday life of Muslims in Europe. I identify the main research question(s) addressed, highlight what I expect to achieve, introduce where the research is located and how its main subject gradually evolved. I also introduce the organization of the thesis and brief descriptions of the chapters to provide a map that facilitates a clearer comprehension of its development. The introduction concludes with an overview of limitations and difficulties.

1.2 Background

What follows is the background and context of the present research. The broad topic of enquiry on Muslims in Belgium grew out of a wider interest. In Muslim majority countries, such as in Egypt, where I grew up, Islam did not only represent a religious system, but a social and cultural context dominated by the Muslim majority. Being the majority, Muslims usually follow a taken-for-granted routine around their families, familiar food and drinks, and the markets where faith-based regulations of what is permissible and forbidden are respected. The Muslim sellers are usually sensitive to the needs of their clients. Ordinary Muslims, without the fear of wrong-doing or breaking the religious rules, handle family issues, finances and other personal matters. However, when Muslims migrate to Europe and reside as minorities¹ in the midst of non-Muslim communities under ‘non-Muslim rule’ their situation changes. In reviewing the literature, I became aware that Muslims who reside in Europe came from different countries and are, therefore, culturally diverse. Yet they all appear to identify with the supposed notion of ‘the nation of Islam’. Their spatial displacement compels Muslim communities to respond in new ways to issues of everyday life, which they had not confronted before. In addition, this change took place even though the communities have few resources to offer ready-made resolutions to their problems.

¹ I use the terms minority and majority technically. However, the concept of a minority in general and a religious minority in particular, in the view of Akgönül, could be defined as being different from the majority group both by belonging to a different group and by engaging in different collective behaviour (Akgönül 2013).

Furthermore, I have been engaged in inter-faith dialogue since 1998. A theme in an interfaith dialogue was “breaking down the invisible walls that separate Muslim and non-Muslim communities.”² The groups that participated in this particular interfaith dialogue were from the immigrant and native Belgian communities. In their dialogue, each community expressed their desire to break these walls of separation and to settle their issues. I became interested to find out whether the delegates’ desires could be accomplished. In my personal notes, I wrote, “Muslims and non-Muslims in Europe are engaged in making sure the immigrants settle down. They have common interests to find solutions to existing conflicts” (Personal notes 3/12/2011). Appendix 1.1 depicts my impression of this meeting.

I am not a Muslim. I was born and raised in Egypt where Islam is not just a religion but a way of life, a cultural and social system that all Egyptians, irrespective of their religious affiliations, share in different measures. I have over the years had many Muslim friends both in Egypt and in Belgium. Trained as an engineer, I migrated to Belgium in 1985 and was soon introduced to the Belgian protestant church’s programme among the immigrants. Because of my background in Egypt and my skill as an Arabic speaker, I was drawn to the church-led engagements with immigrants, majority of whom happened to be Muslims. This work with the church made me realise the need for further studies in theology and languages. Besides theology, I learnt French and Flemish, the languages I now speak. Years of my ministry as a Christian immigrant prepared me not just to work as a youth worker but also to lead a protestant church in the heart of the city of Brussels and serve as an official prison chaplain. Through my work as a pastor of a church consisting of members from mixed backgrounds and the years of deep engagement in prison ministries, I became increasingly aware of the issues being faced by Muslim immigrants who live as a minority in Belgium. My roles over the years have enabled me to gain access to a large number of significant figures in the local government, churches and in Muslim communities. My access among Muslims has ranged from ordinary Muslim friends and neighbours to key Muslim institutions in the city. These connections have over the years led to my involvement in a large number of interfaith dialogues at institutional levels across Belgium and institutionally sanctioned encounters with Muslim inmates in prisons for years. This research has therefore been a natural outcome of these long and sustained connections with Muslims in Belgium. Thus, even though as a Christian, I might be considered by some an

² Appendix 1.1

outsider, the cultural, linguistic bonds I shared with the respondent and the official roles as a prison chaplain and pastor enabled me a level of access that ethnographers are able to achieve. I am clearly not alone in this. Cesari, also a non-Muslim like me, studied in his thesis the Muslims in the West and highlighted specific ways to help them (2011). This work is a modest attempt in this direction.

Reflecting on the issue while reading articles, I realised that immigrant communities, whether Muslims or others, and despite their desire, often struggle to settle the issues pertaining to their life as immigrants in Europe. What concerned me more was the case of Muslim immigrants. Muslims desire to resolve their problems stemmed from living in non-Muslim³ majority lands. Analysing the selected journal papers and textbooks, I found out that the situation is multidimensional. With reference to the theme of accommodation or convenient arrangements for settlement, the literature sheds light on the problems both immigrants and hosting societies have been facing (Modood 2011, Anghar 2007, Bousetta 2005, and De Raedt 2004). The problems were varied and so were the resolutions. As Cesari points out:

In Europe, sociological research on Muslims can be traced to the 1980s, when it formed a significant part of general studies on immigration. The objective of this early research was primarily focused on the integration of Muslims immigrating to Western Europe (Cesari 2009:150).

The Muslim communities have sought different solutions for the problems as they see them. Muslim jurists see the situation from a different perspective. There are growing interests among Muslim leaders from both Muslim communities in Europe and from their countries of origin to help Muslims living as minorities in non-Islamic countries. However, one of the struggles Muslims in Europe face is that there are still diverse positions among jurists that generate different ways in which Shari'ah is invoked to help them. The European Council of Fatwa and Research (ECFR) is a leading organization since its establishment in 1997 trying to help Muslims in Europe as explained by Caeiro in his thesis (2011).

Al-Qaradawi and Al-Alawani are two contemporary jurists leading a school of thought. They attempt to develop a collective framework that considers the relation of religious traditions with the conditions of living as minorities by looking for ways to balance religious practices with that of the wider European context. They became the co-founders and principal thinkers of the *fiqh al-Aqaliyyat* (Minority Jurisprudence). Sheikh Yusuf al-Qaradawi is well known as a founder of the *Wassati* or centrism movement. He is one of the founders of the Islam Online website in 1997.

³ The term non-Muslim refers to anyone who does not define himself as belonging to or practising the Islamic faith

Qaradawi has become a very influential Muslim thinker or a global mufti and Muslims everywhere listen to him (Graf 2009). He was born in Egypt in 1926 and graduated from the Faculty of Theology in Al-Azhar, the Department of the Sciences of Qur'an and Hadith where he obtained a Ph.D. in 1973. He became the President of the International Association of Muslim Scholars (IAMS) and one of the founders of the European Council for Fatwa and Research (ECFR). He headed ECFR for many years and issued many *fatwas*⁴ for Muslims in Europe. The popularity of his *fatwas* is owing to the fact that he seeks to balance the Islamic text and the context in which Muslims live. His popularity has grown because of the internet and media. He has published over a hundred books dealing with various aspects of Islamic theology, literature, and poetry.

He has been an object of many studies, and there exist a full collection works on him edited by Graf and Peterson (2009) to understand this 'phenomenon' of al Qaradawi. Some of his works have been translated into English.⁵ His voice is well received especially by Sunni Muslims (Khateeb 2009:85-103).

Sheikh Taha Jabir al-Alawani is also a leading Sunni Islamic thinker and jurist. He was born in 1935 in Iraq and was educated at al-Azhar University in Cairo over a period of almost twenty years. In 1973, he obtained his Ph.D. on the roots of Muslim jurisprudence (*usul al-fiqh*). He taught at al-Imam Muhammad Ben Saud University in Riyadh from 1975 to 1985. He is a founder-member of the Council of the Muslim World League in Makkah and a member of the Organization of Islamic Cooperation. He became a member of the International Fiqh Council in Jeddah, which operates as a central authority for *fiqh* councils around the world. He is a founding member of the European Fiqh Council and North American Fiqh Council. Al-Alawani is a founding member and president of The International Institute of Islamic Thought in Herndon, Virginia, and in 1996, he founded the Cordoba University GSISS (Graduate School of Islamic and Social Sciences:), a Virginia-based school of Islamic and Social Sciences offering graduate programmes in Islamic studies and social sciences. He is a regular contributor to *The American Journal of Islamic Social Sciences* (AJISS) and is one of its editors. The International Institute publishes this journal for Islamic Thought (IIIT) and The Association of Muslim Social Scientists (Alawani 1992:237-241). Qaradawi and Alawani are among the first to raise the specific problems Muslims face and to offer creative solutions. Qaradawi dedicated some of his work to the study of problems Muslim minorities in Europe experienced. He pointed out that the problems were

⁴The plural of *fatwa* in Arabic is *fatawa* but for readability in English, the plural here is rendered as *fatwas*.

⁵ See the bibliography.

partially politically motivated owing to the majority's injustice to the minority; the Muslim minorities in Europe were often poor and experienced discrimination when they searched for jobs. He also pointed out that some of the problems of Muslims stemmed from their attempts to balance their religious obligations with the conditions of their life with non-Muslim majorities (Qaradawi 2001).

Rafeek points out that researchers present theoretical and conceptual solutions to the problems of Muslim minorities (2012:22). His research focussed on a particular school of *fiqh* and argued that it helps Muslims to deal with their issues in the UK. His research is still based largely on the literature, and as such not sufficiently grounded. Consequently, Ali al-Shaikh reports, "A genuine *fiqh* for minority Muslims requires a collective engagement between social scientists and Shari'ah scholars in the wider public arena" (Ali al-Shaikh 2004). Along the same lines, al-Alawani suggests a development of new *fiqh* "calls for collective personal reasoning (*ijtihad*) that invites experts from the various fields of social science to play a major part in formulating new ideas and developing new perceptions" (Alawani 2003: ix). Jurists call for both social scientists and jurists to work together. Searching the literature, I found that not much has been done about this particular call for collaboration between the jurists and social scientists. The works appear to be largely limited to theoretical studies without exploring the actual field inhabited by real people. In addition, most studies focus on a particular school of legal thought or the minority jurisprudence and often without referring to other positions of Shari'ah interpretation (Rafeek 2012 and Caeiro 2011). Consequently, I decided to investigate not only the assumption that the dynamics of Shari'ah interpretations play a role in bringing about some settlement of Muslim issues but also to find out the receptivity of these positions by the communities and their implications. In addition, the dynamics of Shari'ah is emphasised in several contemporary contexts (Bello 2013). Daniels edited an important work in socio-political contexts (2017). These were the main rationales of this project.

The situation in Belgium was not different. In the last fifty years when studying the subject of immigrants in Belgium, researchers devoted a great deal of time to the management of Muslim immigrants, the integration or lack of integration of immigrants. However, Hellyer pointed out that one cannot change a community's tradition or religion and culture merely on the basis of the demands of the wider context: "As Muslims define their norms in reference to law, their legal heritage is the relevant parallel to this debate" (Hellyer 2009:7). There is a growing awareness of the importance of Islamic rulings for Muslims. Local leaders and organizations were set to

help Muslims in Belgium (Ben Siddik 2010). Furthermore, the recent events in Europe have highlighted the significance of Belgium in relation to its religious minorities⁶. Van Ginkel pointed out:

Recent reports confirm that Belgium has the highest per capita ratio of foreign fighters in Syria. Estimates range between 410 and 510 individuals, with an average age of 25.7, among which 47 are women and 6% are converts; 45% were from the Brussels Capital Region (most notably Molenbeek) 45% from Flanders (mainly Antwerp, Vilvoorde, and Mechelen) and 10% from Wallonia; 79 could be linked to *Sharia4Belgium*; 180 to 260 are still abroad, 60 to 70 confirmed dead and 55 to 130 returned. At least five are fighting in the ranks of the Assad regime (Van Ginkel, 2016:27).

The city of Brussels became significant where there are fault-lines between Muslim religious authorities who differ in their views of the distinctive European identity of Muslims. Not enough attention has been given in the existing studies to contexts as such as Belgium that provide a significant example of the development of the Muslim identity and Muslim settlement in Europe.

1.3 Objectives

There have been attempts made by scholars to study Shari‘ah interpretations. Emphasis was given in these to the solutions offered by the principles of *fiqh al- Aqaliyyat* which was presented as a way to help Muslims in Europe (Caeiro 2011 and Rafeek 2012). However, the differing views on this particular *fiqh* have led to a debate among jurists whether *fiqh al-Aqaliyyat* provides Muslims with tools to ease the conflicts they face (Parray 2012, Keller 1995). The present research probes into this field of research and explores it in relation to religious jurists and social scientists. It is obvious that in order to be sustainable, any form of Shari‘ah interpretation has to be accepted by the majority of Muslims, and the evidence from the field is decisive in shaping future expectations for Muslims. Thus, the research focuses on examining, in the field, the challenges Muslim communities face, the frameworks for proposed resolutions, and their receptivity by Muslim communities. The study begins by exploring the struggles and conflicts then it investigates the different positions to providing resolutions and their impact on Muslims’ daily life. The main research objective, therefore, is studying the dynamics of multiple interpretations of Shari‘ah in the everyday life of Muslim communities in Europe using Belgium as a case study. There is not much evidence in the existing literature to compare the theoretical results with findings from the field. In

⁶ On 22 March 2016, three coordinated attacks occurred: two at the Airport in Brussels and one at a metro station. Thirty-two civilians and three perpetrators were killed, and more than 300 people were injured. Another bomb was found during a search of the airport. The sole surviving suspect from the 2015 Paris terror attacks was from Belgium.

addition, most studies focus only on this particular position of Shari‘ah interpretations. My research fills this gap by seeking to probe into this debate and by particularly examining the extent to which this is borne out by the experiences of Muslims in Belgium. It is expected to bring to light the struggles Muslims face, and how they seek to address their challenges through Shari‘ah interpretations. The attempt is to bridge the current gap through evidence from the field of the problems Muslims face, the solutions they find and their potential implications.

Furthermore, for non-Muslims, the research provides insights for the on-going efforts relating to ‘getting immigrants settled’ into European life. The European policy-makers were not aware, at least in the beginning, of the socio-cultural religious background of Muslims in the process of settling their issues (See Caestecker 2000, Aluffi and Zmcone 2004, Anwar 1979, Anthony 2011, Bousetta 2005 and 2014). They have been trying to develop frameworks and use them in the context of all immigrants regardless of ethnic, cultural, and religious differences. The research is expected to clarify the issue most importantly, whether getting Muslims settled requires a marginally different framework than those used to ‘get settled’ or integrate other non-Muslim minorities in the West.

In addition, the research postulates whether the future of Muslims in Europe most likely will involve a closer alignment within the interpretations of Shari‘ah for Muslims as minorities. Apart from this, the study clarifies ground for further researches involving other specific cases similar to Belgium.

1.4 Question(s)

I explain the choices of the main and the related questions in Table 1.1

The main research question is what are the dynamics of Shari ‘ah interpretations in the everyday practices of Belgian Muslims?	To investigate in the field how the Shari‘ah rulings play a role in helping Muslims dealing with their struggles
Related question 1: What are the struggles?	To explore the struggles and the conflicts that the research participants report
Related question 2: Do jurists present single or different positions? If diverse positions, do they generate different frameworks in which	To investigate the different positions providing resolutions

Shari‘ah is invoked and brought to bear upon a given issue?	
Related question 3: How are these different positions received?	To anticipate expectations for the future
Related question 4: Do the different positions of Shari‘ah interpretations lead to diverse implications?	To examine implications

Table 1.1 Research Questions

The above questions guided the present research into exploring how ordinary Muslims live in their routine contexts and, based on a thick description, their struggles, the resolutions they seek, accept, or reject and the possible implications for their future in Belgium.

1.5 Limitations

The present research sheds new light on Muslims in Belgium. There were some expected limitations and difficulties in conducting the research. Firstly, Muslims in Europe today are diverse. There is a tendency to call them Muslim immigrants (singular) in Belgium or in Britain. They are, however, neither a homogeneous community, nor do they represent a single tradition. They cannot, therefore, be treated as one block. “The reality of European Islam is very diverse” (Itzel, Constance 2007: iii). They may have similar traditions that bind them together, but they are culturally and religiously diverse. It is beyond the scope of this research to gather information from all Muslim communities in Europe. The current research focuses on Muslims in Belgium as a case study. Furthermore, in view of my limited resources for the present study, I could not gather information from everyone in the Muslim population in Belgium. I limited my study to the selected sample representing hopefully the wider universe of Muslims in Belgium. Thus, the goal became to sample representatives of that population (Weber 1949). However, I gathered data from different religious groups, ethnic groups, genders, and generations representing most of the Muslim communities in Belgium.

Secondly, the data from the field highlights a variety of emerging themes referring to Muslims in Belgium. This research concentrates on conflicts where the application of

Shari'ah plays a role in their context. I explain the dynamics of Shari'ah interpretations in these day-to-day matters to set the case of Belgium as a model for any further studies.

Thirdly, one of the research informants was a Belgian citizen who converted to Islam Muslim, who highlighted a new area of research. A lot more can be learnt about how converts deal with the issues under discussion here and how this compares with the different generations of the Muslim diaspora, but this would not be within the scope of this research. Suffice it to say, that this example highlights an interesting contrast in how the European converts to Islam and [diasporic] Muslims in Europe deal with challenges of a religious nature.

Fourthly, it was culturally difficult to interview Muslim women because of their disinclination to interact with male strangers. To overcome this limitation, I asked my daughter to accompany me for the interviews. The women that I interviewed represented a little more than 20% of the research population. The number of Turkish informants was less comparing with the Moroccans. The ten interviews I conducted included informants from different gender and generation and were sufficient to collect data needed for a qualitative research.

Lastly, the data I collected were in the languages that people in Belgium speak which was another difficulty, as I had to translate all tongues into English to help the wider readers.

1.6 Organization of the Thesis

I have organized the thesis in two parts: The first part provides relevant general background information to the study. Chapter One is an introductory chapter addressing the research problem, objectives and important aspects of the study. It mentions the research limitations regarding the foundations for new researches. Chapter Two is dedicated to the study of the universe of Muslims in Belgium. It explains the case in the wider European context. I aim at shedding light on their background, key features, and the challenges they face as minorities in non-Islamic lands. I also aim to address the literature concerned with the organizations that were set up to help Muslims in dealing with the conflicts they face. Chapter Three introduces the methodology and the tools I employed to collect the data. It explains the research field, population, and the process of sampling data given by the research participants.⁷ It clarifies the research strategy, protocol, and stages. It points out ethical issues and the role of the researcher. Chapter

⁷ I technically use the terms participants and informants synonymously to relate to people who provide data

Four aims at explaining the informants' identities, features, conflicts, and solutions. The objective was to document the data and to settle some aspects of the findings by comparing them with the existing themes from theoretical studies. Then, I categorized the conflicts and resolutions as reported by research participants setting the foundation to study them in the second section.

Chapter Four defines the struggles Muslims face, the different positions for solutions and receptivity. The second part looks more closely at the conflicts and resolutions drawn from the empirical data. It compares them with the assumptions pointed out from theoretical literature setting the foundations for my research contributions. My sources for this task, therefore, were both primary and secondary. Chapter Five aims at the study of Shari'ah, the positions of reasoning and multiple interpretations. It explains the emergence of a centrist position represented by the minority jurisprudence (*fiqh al-Aqaliyyat*). It examines the primary data and sets them against the theoretical positions on Shari'ah shedding new light on their implications that I aim to clarify and deal with in the following chapters dedicated to the empirical data. In chapter Six, I aim at studying the dynamics of Shari'ah referring to dietary practices. I explain the day-to-day practices that the informants reported as problematic and the resolutions they found. I hope to demonstrate the dynamics of Shari'ah interpretation processes, the different positions, and their implications. Chapters Seven and Eight are dedicated to the study of family traditions. The goal is to study the dynamics of Shari'ah interpretation pertaining to cultural, moral, and legal issues and family traditions. They point out the different religious rulings, their receptivity, implications and compare them with the practices of the majority. Chapter Nine focuses on what the informants define as imposed regulations by the majority, and their unfulfilled desires and expectations. The informants reported them as unfulfilled because they are still expecting clarity on issues from the Belgian authorities and the majority community. The objective is to demonstrate the impact of Shari'ah interpretations on these issues. The emerging conclusions of the empirical section shed new light on the research contribution. Thus, Chapter Ten, the conclusion, summarizes and interprets the findings leading to the research contributions. It gives the evidence, explaining the research limitations setting the foundations for future studies, and seeks to assess the story of Belgian Muslims in relation to the practice of Shari'ah and how it fits into the wider narrative of Muslims in Europe.

1.7 Conclusion

The main aim of this chapter was to provide a context for the study of the dynamics of Shari'ah interpretations in the day-to-day life of Muslim minorities using Belgium as a case study. I set out the focus of this thesis, research questions, and its objectives. I also described the difficulties my study faced, and the limitations I worked with while continuing to see its relevance for future studies. The use of the term 'minority' was not unproblematic. The introduction pointed out that when the majorities define minorities as being fewer in number or as not being culturally dominant, it does not correspond with how the minorities think about and understand themselves. In studying the literature related to the jurisprudence for a minority, I noticed that the basic consideration for minorities is not a matter of numbers but an issue of living in non-Islamic environments. In addition, Muslims identify themselves as Arabs, Turks, Sunnis, Shi'ites or on the basis of gender; generation and age categories and thus they belong to multiple identities (Sundas, Ali 2013). I will explain this further in Chapter Two. In addition, this introductory chapter sheds light on the kind of methodology and tools needed to accomplish the objectives. I now turn to reviewing the existing literature on Muslims in Belgium, before looking at the research methodology, after which the analytical chapters begin.

Chapter Two

The Universe of Muslims in Belgium

2.1 Introduction

In chapter One, I set out the context for the research. In this chapter, I also refer to some relevant secondary literature. Here, I present a more focussed review of the relevant literature concerning the universe of Muslims in Europe. In doing so, I hope to understand the history and recent developments of contemporary Muslims in Belgium to find out if the case of Belgium is like the context in Europe. I aim at understanding the main characteristics and key features of the community and give emphasis to the struggles Muslims face and how they deal with them. Finally, I will review literature referring to organizations that were established to help Muslims as a minority. In doing so, I will identify the findings, claims, and assumptions held about Muslims in Belgium to set them out for comparisons and contrasts with the empirical findings in the later chapters.

2.2 History and Context

One category of literature concerned the universe of Muslims in Europe/ Belgium, including their history and context for immigration. Some of this literature pointed out that there has always been some presence of Muslims in Europe/Belgium but Muslim immigrants who came in the post-Second World War (WWII) period represent the majority of Muslim minorities (Aksoyek 2000, Alaluf 1993, Anwar 1997, Bousetta 2003, 2008, Bousetta and Martinello 2004).

In studying the history of immigration after WWII, the literature revealed that the major industrial nations of Western Europe, including Belgium, introduced ‘guest-worker’ systems through which large numbers of immigrants came to join the labour force. As a result, guest workers from different countries came to Europe in successive waves to compensate for shortages in national labour markets during the post WWII economic boom (Ballard 1994:6). The French and the British governments recruited workers from their former colonial countries e.g. Algerians to France or South Asians to the UK. “The majority of these ‘guest workers’ came from countries with a Muslim majority” (Fleischmann 2010: 4).

Consequently, most Muslim diaspora communities in Europe are the result of these waves of labour migration of the 1960s and 1970s. In general, European countries

recruited labourers through bilateral agreements with recruiting countries from the 1960s onwards. Most of these guest labourers came from Morocco, Algeria, Tunisia, Turkey, and South Asia. These migrants came from a diversity of ethnic and religious groups to Europe. They brought their own brand of Islam to Europe as part of their cultural package. In many areas, the history of these labour migrants was like the situation in Belgium. However, the labour migration to Belgium was similar but different. Since Belgium had no colonial history in Muslim lands, the choice of labourers was based on practical reasons such as available cheap labour or common language. Apart from this, the migration history of Turks and Moroccans to Belgium and other European lands was comparable. In response to the need for labourers, Belgium adopted policies set to attract economic immigrants (Petrovic 2012).

In the 1960s, Belgium signed immigration agreements with several countries including Morocco, Algeria, Tunisia, and Turkey¹. From 1964, successive waves of immigrants came to Belgium mainly from Turkey and Morocco. As Fleischmann reported, “The migration history of Turks and Moroccans to Belgium and the Netherlands is quite similar. Both Western European countries recruited labourers through bilateral agreements with Turkey and Morocco from the 1960s onwards” (Fleischmann 2010: 4). In collecting information about immigrants in general and Muslims in particular, the *Yearbook(s) of Muslims in Europe* provides an important source of references to the subject covering further essential data, statistics, and surveys of the legal status of Muslim immigrants and their organizations.

To sum up, guest labourers came to Europe in successive waves to compensate for shortages in the European labour markets during the post-Second World War economic boom. Many came from former colonies. Most Muslims living in Europe/Belgium today are primarily these invited workers and their descendants.² The family reunification, descendants and recently arrived political refugees from Muslim countries joined the communities (Castles 1986). They represent a diversity of ethnic identities and religious beliefs and practices. The majority of those who came to Belgium are from Sunni countries but not necessarily followers of the same school of Sunni Islam, as I will explain later.

¹ In February 17, 1964 Belgian and Moroccan labour ministers, Leo Servais and Thami Ouezzani, signed an agreement to facilitate labour migration from Morocco to Belgium. Similar agreements were signed with other countries.

² There are other temporary and circular migrations referring to those who come for a limited stay as in the case of studies or medical treatment or migration for a specific motivation. They are not the focus of research. However, a temporary stay may eventually lead to a long-term stay.

2.3 Contemporary Situation

In the 1970s, restrictions on labour migration were enforced following the 1973 oil crisis and the subsequent economic decline (Triandafyllidou and Rudy 2014b, Bousetta and Dirk 2005:7). The hope was to reduce immigration levels to zero. The UK was the first country in Europe to implement it in 1971. France and Germany followed this in 1972 and 1973 and the rest of the countries in Europe followed within a year or two (Hansen 2003: 27). The large-scale labour migration officially ended across Europe and all countries ended primary migration in the early 1970s.

The restrictions may have ended the legal entry of labour migrants; nonetheless, by then, many migrants had already become citizens and, as such, claimed a right to family reunification. Hansen reported the situation 30 years after the restriction: “it is evident that this control did not end the flow of immigrants and their permanent presence became a reality. Consequently, the Muslim communities in Europe represent a permanent part of its communities” (Hansen 2005: 22-25). Hansen adds, “Family reunification and higher birth rates locked this population in and expanded upon it” (Hansen 2003:33). Belgium was not different. “On August 1, 1974 the Belgian government put strict limits on new immigrants with a policy to legalise residences of foreigners in the country and authorize family reunification” (Hansen 2003: 27). A new phase started with transforming the minorities from being immigrants to becoming citizens.

While surveying the literature, I became aware that Europe and indeed Belgium was not prepared for the immigrants to reside permanently. Immigrants themselves had no clear idea about their future in Europe. Europe did not prepare in advance any framework for the permanent settlement of labourers. The immigrants themselves, at least in the beginning, did not consider Europe as a new ‘homeland’. Both expected a possible return to countries of origin. The labour agreements between European countries and labourers give an impression of invitations for temporary residence; ‘guest workers’ who were considered as temporary sojourners expected to meet the needs of the domestic labour market and eventually return. Consequently, their settlement in the receiving country neither was expected nor desired (Stearns 2008). This made their future unclear.

Furthermore, at least in the beginning, Muslim immigrants were not well organized or prepared for the demands of living as a minority in a non-Muslim land. Their understanding that they were ‘guest workers’ limited their perception to regard their host societies as places of permanent residence. They were received as ‘migrant

labourers' recruited to work in a host state temporarily to earn as much as they could and to go back home. Therefore, the first waves of immigrants were not sure whether to reside permanently in Europe or to go back to their lands of origin. This idea of a possible return widened the gap between them and the host countries (Anwar 1979). As a result, in the beginning, they did not attempt to pursue any official recognition or to search for solutions to their problems. "They later decided to stay or were granted long-term residence" (Triandafyllidou 2014: 10). When I investigated this assumption in the field, I found informants from the first waves of immigration confirmed that assumption. When they came to Belgium, they were not sure of what was coming next. While interviewing an elderly Moroccan couple, the man affirmed: "When I came to Belgium, I worked in two jobs, in a bus company during the day and in a hotel during the night. I aimed to collect as much money as I could in order to start a project if we have to return to Morocco" (Informant 23).³ His wife added, "It was only when our children were born and received Belgian citizenship the idea of staying in Belgium became an option."

To sum up, the majority of contemporary Muslims in Europe/Belgium experienced what we may call a myth of return living physically in Europe but mentally in their lands of origin. Being guest-labourers neither they nor the host countries were sure of what would happen next. Muslims in Europe might have come as 'guest labourers', however, now they are no longer being perceived as 'guest workers' but rather as equal civic and political actors.

2.4 Key Features

One of my aims in reading the secondary literature was to study key features of contemporary European Muslims e.g. growth, diversity, places of residence, employment, belonging, and the challenges they face and how they deal with them. The emerging themes of the review of this group of literature enabled me to examine similarities and contrasts with that of the empirical study I did in Belgium for this thesis. I have divided the themes from the secondary readings into the following sub-sections.

³The citation of research informants refers to the code as appeared in the bibliography and in Appendix 4.2. More key findings may be found in other Appendices.

2.4.1 Demographic Growth

Muslims are demographically growing (Pew 2016). In terms of data, it is difficult to obtain an accurate and complete overview of Muslims in Europe/Belgium. Their exact number is difficult to pin down but they are growing. In Europe, there is no official registration of information about the population's ethnic or religious ties. In many European countries, researchers have had to use data on nationality of origin or/and discourses of the foreign or ethnic populations to estimate data. In the same way, Muslim populations are based on numbering citizens who have emigrated from countries with a Muslim majority, and those who obtained Belgian citizenship to deduce some form of reasonably reliable estimated statistics. Pew estimated 20 to 25 million Muslims living in the European Union (EU) and reported that the Muslim population is expected to double by 2025 (Pew Forum 2014). The report estimates that there are 38 million Muslims in Europe including 16 million in Russia. Khattani compares the expected demographic growth of Muslims in the world with their demographic growth in Europe: "The percentage of World Muslim population with respect to the total World population is increasing steadily from 1.7% in 1950 to 2.6% by 2020... the percentage of Muslims in Europe increasing from 2% in 1950 to 6% by 2020" (Khattani 2010: 154). These statistics show that the growth of the Muslim population in Europe is expected to be higher even than their worldwide growth and significantly higher when compared with the population growth of other European citizens. A recent Pew Research reports:

The Muslim share of the population throughout Europe grew from 4% in 1990 to 6% in 2010. This pattern is expected to continue through 2030, when Muslims are projected to make up 8% of Europe's population. Muslims are younger than other Europeans are. In 2010, the median age of Muslims throughout Europe was 32, eight years younger than the median for all Europeans (40). By contrast, the median age of religiously unaffiliated people in Europe, including atheists, agnostics and those with no religion in particular, was 37. The median age of European Christians was 42 (Pew Research 2016).

In Belgium, there are about 11,000,000 inhabitants with a significant number of foreigners. Like other European countries, it is difficult to obtain an accurate and complete overview of Muslims in Belgium. While figures on visas, residence permits, and citizenship demands are available within the administration, they cannot provide an accurate quantitative data on Muslims. "In January 2005 Belgium had 10,445,852 inhabitants, of whom 870,862 were foreigners" (Bosetta, Gsir, and Jacobs 2014: 36). Most of these foreigners came from countries with Muslim majorities (Fadil 2013: 100). In November 2010, the estimated number of Muslims in Belgium was 623,000 and recent estimates growth [2013] assesses 21% (Fadil 2013: 100). According to Teich,

“The Muslim populations of Belgium have been growing rapidly, almost doubling in the past ten years” (Teich 2016:4). Therefore, the estimated growth of Muslims in Belgium could be higher than the average growth of Muslims in Europe, making Muslims the most prevalent minority. A Belgian newspaper estimates the growth of Muslim populations to rise between 11 to 18 per cent and by the year 2050 the number of Muslims in Europe will rise to 57.9 million (*Le Soir Vendredi* 1re December 2017). Occasionally, Muslim organizations compile their own statistics. When I talked with the director of the Islamic Centre in Brussels and the president of the Muslim Executive in Belgium both reported that the number of Muslims in Belgium was estimated as at least 700,000 Moroccans and 250,000 Turks (Informants 86 and 83).

Muslim demographic growth does not only reflect the community growth but also informs that Muslims and immigrants in general will be an important factor for any demographic growth in Europe. In line with this, there is a study conducted in Belgium estimating the contribution of foreign mothers to Belgian population growth. The study suggested that foreigners contribute positively to the demographic growth in Belgium (Van Landschoot 2013). Thus, in general, Muslims are demographically growing with higher rates and contribute positively to European demographic growth. This highlights the importance of my research.

2.4.2 Significant Diversity

Muslims in Europe came from different Muslim countries and backgrounds (Azma & Fokas 2007). Consequently, they represent a diversity of ethnic and religious sub-groups. Their differences are related to ethnic, cultural, religious, and linguistic elements (Itzel 2007, Ennaji 2016). In Belgium, the majority are from Morocco and Turkey. There are some other Arabic or Iranian minorities. Thus, the majority are Sunni Muslims and Shi’as are in the minority (Fadel 2010). Muslim immigrants to Belgium identified with their religious schools and ethnicity in their choices of prayer centres (Saroglou and Mathijssen 2007). Their diversity revolved around religiosity, ethnicity, and included even those who were born in Europe. Recent cross-national surveys of the Turkish second generation in four European cities (Antwerp, Brussels, Amsterdam, Rotterdam and Stockholm) show that “As children of immigrants from majority Muslim countries, the Turkish and Moroccan second generation is distinguished from European majority populations by both their ethnic and their religious identity” (Fleischmann and Phalet 2011:320). This means that though they may share common values they are not a monolithic community.

Fleischmann and Phalet studied the migration history of Turks and Moroccans and their religious and ethnic belonging. Their survey included key cities in Belgium and the Netherlands. They reported that the European-born generations from Turkish or Moroccan backgrounds still carry their differences between not only themselves and their European countries of residence but also their ethnic differences between each other. According to their field survey:

We observe that religious and ethnic belonging are very strong among the Turkish and Moroccan second generation in all five cities under study. Religious identity tends to be stronger than ethnic identity among Moroccans while the reverse is true for Turks (Fleischmann & Phalet 2011:331).

Accordingly, Muslims in Europe represent significant diversities and even the younger generations maintain their differences.

2.4.3 Unsettled Minorities

There are many Muslim minorities in the world. Muslims in India and in some other countries are well established. Muslim minorities in Europe are not the same as these historical Muslim minorities. India is a secular state and has no state religion, but it is the land where almost all the major religions of the world are practised by their respective followers (Eugene Smith 1963:61, 62) Thus, Muslims in India are fully established alongside other religious minorities in the country. India is a unique model and its minorities are historically well established and thus are different from the Muslim minorities in Europe. Muslims in Europe live in a different context. One may draw insights from the frameworks used to settle these historical minorities and adopt relevant principles to apply in the context of Europe.

With reference to the theme of accommodation or convenient arrangements for settlement, the literature sheds light on the problems both immigrants and hosting societies have been facing (Modood T: 2011, Anghar: 2007, Bousetta: 2005 and De Raedt: 2004). They reveal not only the conflicts both communities faced with reference to accommodation but also their proposed ideologies or frameworks for settlement. A larger sub-category of literature concerns the different ideologies of the policy-makers who propose to accommodate immigrants into European life (Triandafyllidou: 2014, Donohue: 1982, EU Documents: 1995). One learns that from a European perspective, the issue is largely understood in terms of so-called assimilation, individual integration,

cosmopolitanism or multiculturalism.⁴ Policy-makers seek to develop relevant ways of accommodating them but treat all immigrant communities, including Muslims, in the same way without any consideration of cultural and religious differences.

The increased attention within EU studies gave birth to a new framework aiming to develop transitional migrant communities linking together aspects from societies of origin and that of present settlement (Triandafyllidou, Gropas, 2014). The current policies have often been driven by the need to develop frameworks without any consideration of the fact that Muslims may need different frameworks than those used in the case of non-Muslims. The debate is not settled. In addition, from the European perspective, the debate became intense and is often linked to economic and security⁵ matters (Coolsaet 2008, Emerson 2009).

Belgian integration policies are even more complicated. On the federal level, there are three federal communities and three spoken languages, depending on the locations. Flanders, containing the country's Dutch speaking community, is in the west and north. Wallonia has the French speaking community and lies in the south and east. The German-speaking community is in the eastern border area with Germany. Brussels, the capital, is bi-lingual.

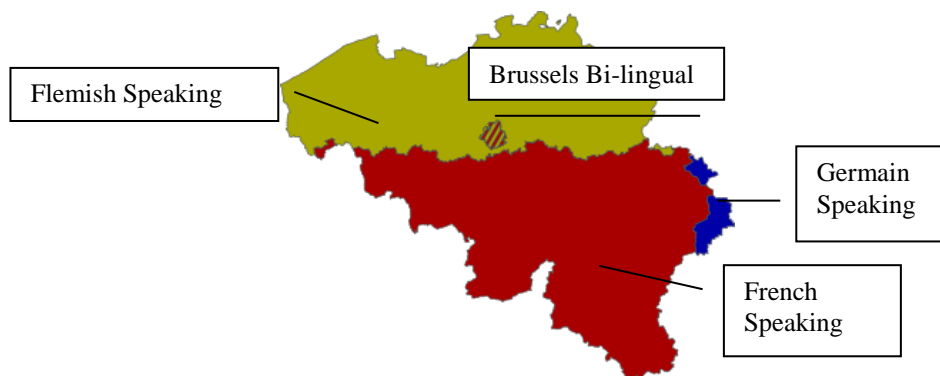


Figure 2.1 Belgian Federal Divisions

(Adapted from:

https://commons.wikimedia.org/wiki/Maps_of_Belgium#/media/File:BelgieGemeenschappenkaart.svg)

Each community has separate integration policies (Petrovic 2012). In general, their proposed citizenship policies require immigrants prove their desire to integrate, at least through a fair knowledge of one of the national languages.

⁴ The term multiculturalism in this context refers to a form of management of cultural diversity in a given society. Cosmopolitanism refers to considering different citizens in a given country as branches of the same global family of which each branch has obligations to the other branches.

⁵ Recent terrorist attacks in Europe and the economic crises gave birth to this debate.

Since 1984, Belgian citizenship is offered to those born in the country regardless of the nationality of their parents. Consequently, the citizenship has been granted to all who meet the assumed conditions regardless of their religious or ethnic background (*La Chambre des représentants de Belgique* [House of Representatives]).

The 17th of February 2014 marked 50 years since the signing on the 17th of February 1964, a bilateral agreement between Morocco and Belgium. For this event, newspapers dedicated many articles to the subject: one article reported the present situation of Belgians of Moroccan origin where statistics indicate that there are 407,647 persons from a Moroccan background. 84,676 hold Moroccan nationality, 224,723 have been naturalized and 98,248 children born in Belgium have received Belgian nationality (*Le Soir* Samedi 15 et Dimanche 16 Février 2014:28)⁶. The newspaper indicates the source of statistics and reveals the fact that about 70% hold Belgian nationality and in return are active in political and civic life. The Belgian immigration laws have opened the possibility for immigrants to settle permanently in the country. Muslims have become more active in public life. *Le Soir* newspaper reported: “In the 1994 national communal election, 14 people of non-European origin were elected (2%), while in the 2012 elections, 130 communal councillors of Moroccan origin have been elected” (*Le Soir* Mardi 18 Février 2014:8).

2.4.4 Residency Centres

Muslims tend to live together and in particular areas of the city. The literature suggested that Muslims prefer to live together. Hussain studied the state of Muslims in 11 European cities and reported that Muslims still chose to live in big industrial cities in Europe. He emphasized that “most Muslims in Europe prefer to live in capital cities and large industrial towns” (Hussain 2010:13). Concerning Belgium, it was reported that significant numbers of Muslims live in the Brussels capital region:

The geographic distribution of the country’s Muslim population is highly uneven. More than 40% of Belgium’s Muslims live in the Brussels-Capital Region, where they are basically concentrated in six centrally located boroughs (City of Brussels, Schaerbeek/Schaarbeek, Molenbeek, Anderlecht, Saint-Josse/Sint Joost, and Saint-Gilles/Sint Gillis) (Manço and Kanmaz 2009:38).

The Brussels conurbation is home to more than 40% of Muslims. In addition, 50% of the Moroccans live in the city of Brussels” (Fadil 2012:70, Choudhury and McCarthy 2010:13). Besides Brussels, Muslims can be also found in other industrial cities in Belgium such as Antwerp, Liege, Hainaut, and in the region of Charleroi and Limburg (Bousetta 2003: 8).

⁶ I translated the Newspapers articles from French into English.

Furthermore, Bousetta stated that there was no difference among ethnic groups concerning the tendency to live in industrial cities. He signalled a tendency among each ethnic group to live together in particular locations. He wrote, “Half of the Turks have settled together in the Flemish speaking part, especially Antwerp, Ghent, and Limburg. They live also in certain districts of Brussels and in the French speaking area of Belgium in the region of Hainaut and Liege” (Bousetta 2003: 8). This knowledge helped me to know where to meet easily with research informants and to clarify further this tendency by comparing the empirical findings.

2.4.5 Belonging

Belonging is another relevant issue. The literature pointed out Muslims’ strong sense of belonging to lands of origins and at the same time, civic life in Europe attracted them. (Pedziwiatr 2008 and Sundas Ali 2013). It was reported that in the case of faith-based minorities, religious affiliation and language become the two pillars of identity (Clay 2003 and DeHanas 2013). Fleischmann and Phalet studied the migration history of Turks and Moroccans to Belgium and the Netherlands as well as their religious and ethnic belonging. They reported that the European-born generations from Turkish or Moroccan backgrounds still carry their religious and ethnic belonging (Fleischmann, Phalet 2011). Drawing on these surveys, Fleischmann reported: “In contrast to these strong identities the feeling of belonging to the Belgian, Dutch and Swedish nation is much weaker and, in the Belgian case, even below the neutral midpoint of the scale, indicating prevalent disidentification” (Fleischmann, Phalet 2011:331). One may think that the younger generations do not strongly belong to their lands of origin as their parents do but, at the same time, they do not fully feel themselves belonging to the new lands where they were born.

It is also important to look at Muslims’ collective belonging to the *ummah* (community). Al-Qaradawi, for example, encouraged Muslims to live in the West but he warned them not to lose their religious identity. He argued that it is not important what type of society or social context a Muslim minority lives in, rather how far it is self-aware of its distinct identity and belonging. He gave a warning to Muslim minorities in the West of the consequences of losing their religious identity and added that it may become even more difficult in particular cases when Muslims are persistently self-conscious about their religious and cultural identity and are not ready to sacrifice it in favour of any other allegiances and affiliation (Al-Qaradawi 2001: 22). In his warning to Muslims in Europe, he noted that the early generations of Muslim minorities in

Australia who were mostly Afghanis lost their identity as Muslims due to their indifferent attitude towards their religion and thus he warned Muslim minorities in Europe not to commit the same error. On the other hand, he became aware of the conflicts, Muslim communities face in Europe and aimed to find suitable juristic rulings to help them in their search for suitable ways to preserve their religious identities while following European laws. The most famous text referring to the *ummah* is Surah 3:110 “You are the best of peoples [*ummah*], evolved for mankind, enjoining what is right, forbidding what is wrong, and believing in Allah”. Their belonging to the *ummah* is through the medium of the sacred texts and religious duties.

Ceseri pointed out a form of global Islam concerns those theological or political movements that emphasized the universal ties of the community of believers. This form of global Islam includes movements such as the Muslim Brothers, *Wahabism*⁷, and the *Tablighi Jama'at*⁸. According to him, the rapid growth of communication and transportation technology has made the concept of *ummah* more real than ever before. Unlike, for example, Protestantism in which theological and interpretive schisms led to the creation of distinct communities and the proliferation of sects, the unity of the *ummah* as an imagined community with a common and constantly renewed destiny remains alive and well. They explicitly consider the social and political concerns of their various European contexts (Ceseri: 2004:179-180). This belonging seems to increase tensions with nationals. According to a 2006 opinion poll, conducted by a national TV channel, 61% of the people that were interviewed think that conflicts with Muslims will increase in the future because of their strong sense of identity. (*Het Laatste Nieuws* 26.10.2006: *Voor al jongere Vlaming ziet islam niet zitten*). Furthermore, the tendency to choose partners for marriage from the same ethnic group is also important to measure a community's belonging. A Belgian newspaper showed that 86.5% of Moroccans living in Belgium have Moroccan partners. The majority like maintaining ‘Moroccan family life’ and respect for religious leaders. The issue became a subject of national debate and caused some conflict based on the perception that Muslim immigrants do not want to integrate by keeping strong ethnic ties to their countries of origin (*Le Soir* Samedi 15 et Dimanche 16 Février 2014: 28). The issue of belonging is important. It reflects their loyalty and even potential conflicts of interest in

⁷ A movement founded by Muhammad ibn Abd al-Wahab in the 18th Century. According to him, it was in response to the moral decline and political weakness of the Muslim community in Saudi Arabia. He suggested education, knowledge, and violent to deal with decline and to return religion to an idealized Islamic past.

⁸ Non-political movement of trained missionaries to spread Islam.

their effort to balance belonging to Islamic lands of origin and the European lands of residence.

2.4.6 Public Behaviour

An important emerging theme concerned public behaviour. According to Akgönül, behaviour that immigrants may consider forming and negotiating their ethnic identity in everyday interaction was an important subject of study (2013). According to him, people use some particular behaviour to form and negotiate their ethnic or religious identity in everyday interactions.⁹

The questions concerning the possibility and the legitimate settlement for a minority's ethnic and religious belonging, from a Muslim perspective were also a subject of interest (Marechal: 2011). The literature demonstrated that religious and social identities in Islam are not like private beliefs or attitudes that, in principle, can be sustained without public expression and recognition.¹⁰ Islamic identity implies self-understanding in a variety of contexts such as dress codes, dietary practices, and collective interactions. The visible expressions of identity, especially in public, could be problematic. When Islamic public expressions are different from those of the majority, they become more 'problematic' (Klein: 2007). Thus, the public behaviour presents potential cultural conflicts especially as Verkuyten argues when the possibilities for being religious, in the way that one wants, depend on social conditions and the acceptance by others (Verkuyten: 2005). According to De Raedt, the freedom of Muslim minorities to be religious in their own personal way is limited if not accepted by the majority (2004). Thus, expressions and experiences of religious and social identities are not only subjective but depend on their practical expression and acknowledgment by others. The majority can largely affect the minorities in this concern. It can be argued that different combinations of factors determine the religious and civic life of a minority and the majority may not accept some particular minority behaviour. This reflects a potential desire and expectation by the minorities demanding recognition and acknowledgment from the majority.

⁹There are some arguments among contemporary social theorists in producing radical transformations in modes of identity construction that led to rejection of the notions of fixed identities (Sundas, Ali 2013). It is not the purpose of this research to define how people identify themselves. I aim at measuring any conflicts that may be caused by the notions of divided belongings and double loyalties.

¹⁰Muslim women's dress and face cover is an example.

2.5 Employment

The issue of employment was another area of concern. “In Belgium, immigrants account for 19% of the work force” (OECD: 2015: 29). In 2008, in the EU, the unemployment rate among the second-generation with a foreign background (9%) was four percentage points higher than for persons with a native background (5%) (Albertinelli and Knauth 2011: 136-137). The European Union gives reasons for this higher un-employment rate among migrants: firstly, due to a higher drop-out rate in education: “Young second-generation migrants with a foreign background are generally at greater risk of exiting the education and training system without having obtained an upper secondary qualification” (Albertinelli and Knauth: 2011, 21); secondly, because of the higher un-employment rate among women; for women, the labour market participation of foreigners (68 %) was 10 percentage points below the level of nationals (78 %). The activity rates of women are lower when there are dependent children in the household’ (Albertinelli and Knauth 2011: 81-2). Al-Qaradawi suggested that Muslim minorities in Europe are often poor because they experience discrimination when they search for jobs (Qaradawi 2001). The market disadvantages foreigners in their search for mainstream jobs and, therefore, the choice people make to be self-employed increases. In any case, Muslims search for jobs that excludes dealing with prohibited substances such as pork meat and alcohol. Consequently, there are already potential challenges that Muslims face in work places.

In Esman’s view, immigrants, in general, accept lower wages and living standards that soon became one of the main characteristics of their presence. Many immigrants’ children have found it difficult to change this uneasy lifestyle, as they “tend to remain proletarians in their host country, in some cases for several generations until acculturation and education enable them” (Esman 2009:16). European capitals such as Berlin, Paris, and Brussels host big Muslim communities with an image corresponding to Esman’s understanding. Numerous Turkish supermarkets, Moroccan restaurants, and Algerian dry-cleaning shops employ the grandchildren of first-generation immigrants or their closest relatives. In 1995-1996, a large quantitative survey was launched in Brussels studying immigrant incorporation in various dimensions including social, economic, political and linguistic aspects (Bousetta 2005: 26-31). The study showed that ‘self-employments’ and small businesses run by Muslims were a growing phenomenon. The fear of discrimination by the majority might have led the Muslim minorities to consider developing their own businesses. Others report the personal companies (self-employment) and small businesses run by Muslims as a growing

phenomenon (Triandafyllidou: 2014). Self-employment might have helped Muslims, but it became more complicated because of the need to take out loans and to handle their finances in non-Islamic financial institutions, as I will explain in Chapter Six.

2.6 Conflicts

Al-Qaradawi pointed out some categories of struggle. He emphasized that some of the problems Muslim minorities face are politically motivated due to the majority's injustice to the minority. Other problems are economical because the minorities are often poor and experience discrimination when they search for jobs. He singled out many cultural problems due to the dominance of the non-Islamic culture of the majority in the media and education. (Al-Qaradawi: 2001) In return, he explained to Muslims what they should do and what they should not do (Al-Qaradawi 1960, 2003). Many of his works aimed at developing juristic frameworks to help them in dealing with the problems they face (Al-Qaradawi 1993c, 1996a, 2001, 2003a, 2010). To be sure that the majority will listen to him, he dedicated many of his works either to defend his ideas or to criticize his opponents (Al-Qaradawi 1988, 1991, 1993d).

The immigrants' situation presents struggles for both Muslim and non-Muslim communities as evident in the literature (Polz: 2004, Triandafyllidou and Gropas: 2014& Hansen: 2003& Hellyer: 2009). This notion of conflict is multi-dimensional. Concerning Muslims, Torreken, Corinne and Ilke signalled that most Muslim burial places were running out of space and needed extensions. They also pointed out a need to build new mosques or to extend others. Islamic religious education classes received more pupils than other religious groups and as such needed help from the authorities for more religious teachers. At the same time, they referred to conflicts that came from the increase of self-proclaimed Islamic leaders and of religious practices outside traditional places of worship and sometimes linked to radicalization among young Muslims including converts (Torreken, Corinne, and Ilke Adam 2015). According to Kaudos, some challenges that Muslims face when working in countries where they are a minority are concerned with acts of worship, dress and attire, food and drink, finance and social interaction (Kaudos, 07/02/2016). Struss shed light on this category of conflict. He mentioned that from the Muslim minorities' perspective, many feel discriminated against and not accepted by their host nations as they often face societies that do not accept their culture and traditions. Moreover, their chances in the job market in many European countries are not the same when compared with non-Muslims (Struss 2011:27). In line with his claims, it was reported that because of the fear of

injustice in Belgium, the government regulates access to residence, the labour market for migrant workers and social security (Belgian National Contact Point January 2011). Andrea Rea presented an account of the second-generation “race riot” youth during the 1991 events in Brussels. He pointed out that prejudice and discrimination were the main reasons for this riot. Racialization, in his view, is the pre-condition for the outbreak of this type of reactive violence. The rioters were collectively and individually experiencing racial discrimination at school, at work and with the police and justice authorities (Rea 2000).

The questions that Muslims in Europe submit to the ECFR and the *fatwas* issued provide insights into a particular category of conflicts that Muslims in Europe face. The ECFR formulated 80 *fatwas* in their very first sessions one and two (1997, 1998) to provide legal guidance. They also revealed the framework ECFR’s jurists use. The single greatest number of these *fatwas* related to gender issues especially the status of Muslim women in the European context. Gender issues and family matters are the most important domains where the traditional family values are challenged by the majority culture. Thirty out of 80 *fatwas* they issued concerned the position of women, her rights, duties and other related matters to provide guidance for some basic day-to day matters such as can a woman cut her hair without the permission of her husband, her rights to divorce or to marry a non-Muslim.

Their other *fatwas* and resolutions aimed to help Muslims in Europe deal with juristic conflicts related to other practical challenges in their everyday lives, such as working in places in which pork and alcohol are served. The required Islamic slaughtering method, food, and drinks purchased in the market, or what is served in restaurants, the issues of mortgages or starting businesses dealing with non-Islamic financial institutions were some of the themes in ECFR’s ordinary annual sessions. They reflect issues in the community’s day-to-day struggles. I will detail these issues in the following chapters.

In addition, the establishing of alternative Islamic financial institutions in Europe is a concern for the community all over the world.¹¹ The obligation Muslims face of having personal bank accounts in European banks, the taking out of loans for mortgages or businesses, especially for the self-employee’s projects, caused a concern about breaking Islamic laws. Taking insurance for cars and homes from non-Islamic

¹¹ Islamic finances are an important theme. The 3rd Islamic Banking Summit in Djibouti 4-5 November 2014, Djibouti and the 13th Annual Islamic Finances Summit, 10-12 February 2014, in the Marriott Grosvenor, London are some examples looking for alternatives to what the market offers in the West.

institutions, handling interest on money kept in banks were issues of concern as well. The *fatwas* issued by the ECFR cover some of these pressing issues.¹²

Rafeek pointed out a problem that occurs when Muslims become obliged to submit to European rules that conflict with religious verdicts: “How can a Muslim minority contribute and participate in the political, economic and social life of these western countries without damaging their identity, religiosity, and loyalty to their faith” (Rafeek: 2012, 19). These emerging themes of conflict in the secondary literature I have reviewed shed light on my own choices in the fieldwork for the thesis. In the following chapter, I will deal with them and their relevant assumptions comparing them with the empirical data.

2.7 Anticipations for the Future

The literature demonstrated the existence of different voices predicting the future of Islam in Europe. I grouped them into categories. There is the voice of those who argue that Islam in Europe will come to terms with secularism as other religions have done (Smita 2009). In this view, Islam in Europe may be seen now as unprepared for secularism as secularism is seen as modern and forward-looking whereas Islamic ideas have been portrayed as idealizing a fossilized past and are unresponsive to change. This will change (Smita 2009:38).

The Algerian scholar, Arkoun (1928-2010) spoke of an emerging position that could be adapted by Muslims as they face the struggle between the same paradigms of knowledge and action as started in Europe in the sixteenth century. He spoke of the ‘priorities that were fixed by ethical-religious ideas will be replaced with the rule of profit’ (Arkoun 2013: 37). He argued that the socio-historical space in which Islam emerged will be replaced by the secular space of scientific knowledge in Europe and the technological activities, material civilization, individual pragmatic ethics and laws. In other words, European norms will challenge Shari‘ah rulings regulating daily matters and force a change. These two voices that I mentioned above argue that the socio-religious historical space in which Islam emerged will be replaced by the secular space of scientific knowledge in Europe.

Liberal Muslims are fully aware of their Muslim background, but more importantly, they have a very strong commitment to European society. In the view of Tibi: “Liberal Muslims living in Europe – like myself – do not want to belong to a

¹² The issue of taking out loans for business and *riba* (interest) are not settled as I will discuss

peripheral minority, but rather want to be members of the European polity itself with its respective rights and duties' (Tibi 2001, 205).

Tariq Ramadan demonstrated another view. He insisted that Muslims are equipped to respond to the issues of modernity without betraying their identity:

Beginning with the message of Islam and its universal principles, I have investigated the tools that can give an impetus, from the inside, to a movement of reform and integration into the new environments instead of being sensitive, obsessed by self-protection and withdrawal and attempts to integrate oneself by "the little door," on the margin, or "as a minority," it is, on the contrary, a matter of integrating, making one's own all that people have produced that is good, just, humane intellectually, scientifically, socially, politically, economically, culturally, and so on. While our fellow-citizens speak of this "integration" of Muslims "among us," the question for the Muslims presents itself differently: their universal principles teach them that wherever the law respects their integrity and their freedom of conscience and worship, they are at home. No withdrawal, no obsession with identity on the contrary, it is a question of entering into an authentic dialogue, as between equals (Ramadan 2004:4-5).

According to him, the fact that the European constitutions are not against Islam, rather supporting the rights of Muslims, is enough to believe that Muslims can live as Europeans without any need for adaptation. Muslims who are at the same time Europeans are possible as argued by Ramadan himself: "I'm a European who has grown up here. I don't deny my Muslim roots, but I don't vilify Europe either" (Litvak 2006:246). Ramadan puts more emphasis on citizenship. In his view, European Muslims are equipped to remain loyal to both European laws and their Islamic heritage.

There were voices that suggest Europe will give way to an Islamized Europe. Umrani, for example, a Muslim thinker in Morocco, in his Ph.D. thesis, argued that he had no doubt that because of the spiritual void in Europe, "Westerners sooner or later will embrace Islam" (Umrani, 2001:2). Carlo Liberati, an Italian Archbishop, gave a warning:

In 10 years, we will all be Muslims because of our stupidity. Italy and Europe live in a pagan and atheist way, they make laws that go against God and they have traditions that are proper of paganism. All of this moral and religious decadence favours Islam. (Belinda Robinson *Daily Express* Friday, January 13, 2017).

Suffice to say, accordingly, that an Islamized Europe is an option. (Meotti & Pronk and Sharia4Belgium). A detailed study of the future of Europe is beyond the scope of this research. What is sure is that Muslim minorities in Europe are becoming significant minorities. The Pew Centre predicts that the Muslim populations in Europe will be 14% or more in 2050 (Pew 2017).

2.8 Islamic Organizations

Muslims follow the practices and the traditions as transmitted from generation to generation. They equally need leaders and organizations to explain these practices and

traditions. Ceseri explained that the diaspora communities attempt to create networks of solidarity across national and cultural borders. These communities comprise a variety of non-governmental figures *imams* (leaders), jurists, and entrepreneurs who establish ties between different political and cultural spaces (Ceseri 2004:6). The *imams* of the local mosques are assumed to help Muslims in this regard. In studying the role of local *imams*, the literature pointed out that local *imams* play a vital role in issuing or transmitting legal advice: “An intrinsic element of the daily work of the imam connected to a mosque in the West is to answer questions posed to them by the faithful. In doing so, the *imams*’ function as religious counselors” (Shadid, W., van Koningsveld, P.S. 2002: 151). In the early 1990s, Cherribi, a Moroccan Muslim, pointed out that in the context of the Netherlands: “The influence that the imams consequently have throughout the European Muslim community are strongly significant on a variety of topics, including marriage, sexuality, rituals and problems pertaining to integration” (Cherribi 2010:17). Beside the local *imams*, jurists from within or outside the European communities set some guidelines. “It is always a crucial question, who forms the representations and who feels represented by them as argued by Kreienbrink. In the given examples across Europe this problem arose several times, be it for ethnic-religious differences between believers”(Kreienbrink 2010: 9). One expects that diversity of communities leads to a diversity of leaders.

Generally speaking, there is no central authority in Sunni Islam like that for Catholics.¹³ One form of leadership in Islam is defined by the term, *wilayah*, which literally, means ‘assistance and tenure of office’. God is known as the ‘*wali*’ and Guardian of the entire universe as signalled in the text (Surah 32:4& 42:9 & 2:284). God is the final authority. He provides guidance through prophets (Surah 4:105) who present divine laws for all aspects of life. Prophets represent living examples of how to live out these laws. The divine laws provide religious, social, political, and economical codes. Thus, they need leaders to explain them to Muslim populations. Collecting, systematizing and interpreting them are the responsibility of juristic leaders. For this task, there are four main Sunni traditional schools and one Shi’ite school. Muslims are free to choose any school to follow. However, there is a tendency to follow a single school in each Muslim country. Muslims in Europe are from different lands and, therefore, are not expected to follow a single school of jurisprudence. In any case, they look for help. Therefore, Muslim movements, organizations, and networks in Europe

¹³ In Shi’a Islam, there is some sort of central authority.

have been set up to assist them. They exercise some level of authority making decisions for the Muslim communities. The category of literature aimed at defining these Islamic organizations in Belgium/ Europe pointed out that different religious organizations were set up in Europe to help Muslims.

The European Council for Fatwa and Research (ECFR) was founded in London on 29-30 March 1997 on the initiative of the Federation of Islamic Organizations in Europe.¹⁴ The ECFR is a largely self-selected body, composed of Islamic scholars, under the leadership of Sheikh Yusuf Al-Qaradawi. It was set to become a central authority and a reference for European Muslims. The main objective of this Council is to promote uniform *fatwas* in Europe and to prevent controversy and intellectual conflicts regarding the respective issues wherever possible. In its endeavour to achieve this objective, it uses the means of consultation, joint research, as well as group *Ijtihad* (independent reasoning), which has today become an Islamic obligation and necessity. Members of the centre consist of some thirty scholars from different parts of the Islamic world. They are expected to have a commitment to Shari'ah and must be knowledgeable in Islamic jurisprudence so they can offer solutions to the problems of Muslims. It was established as a central framework for Muslims in Europe. An equivalent centre is FCNA the Fiqh Council of North America; both ECFR and FCNA have overlapping members. Motaz reported his views about the European Council for *Fatwa* and Research (ECFR) as a central authority for Muslims in Europe (Motaz 2009-:85-108). The ECFR is important because of its contribution in issuing *fatwas*. Caeiro studied the role of the ECFR and, according to him, it is the most prominent *fatwa* centre in Europe (Caeiro 2011). In the first session, 28-30 August 1997, the ECFR issued some pledges and recommendations for Muslim communities in Europe that are relevant to list as they shed light on its position:

The belief that the lives and properties of non-Muslims are *haram* (sacred) and, therefore, must not be abused, violated or breached;

Laws and regulations of the hosting countries should be abided by since these countries have been providing shelter, protection and sustenance to all those who live in their lands;

Muslims must not abuse, under any circumstances, the respective social benefit systems, nor should they apply for benefits for which they do not qualify;

¹⁴ The Fiqh Council for North America (FCNA) is an equivalent centre for North America.

Muslims are advised to spend their utmost to raise their children in an Islamic environment by means of establishing Islamic schools, educational and recreational centres where youngsters can meet and where their unique, independent character can grow safely and properly;

Muslims are urged to hold steadfast to the role of Allah and show tolerance to and acknowledgement of others. However, whenever an issue of contention is debated or discussed, genuine understanding, moderation, and self-restraint should always be practised and implemented;

Fanatical allegiance to one opinion and the total rejection of others does no good to the cause of Islam other than to portray Muslims as uncivilized bigots. This misrepresents the pristine image of Muslims and supplies others with live ammunition to attack Islam, heighten their hatred, and enhance, substantiate and justify their prejudices.

The ECFR made us aware that the advice and the recommendations were to provide a balanced framework to help Muslims dealing with their 'twofold' responsibility towards their beliefs and the countries they reside in. In the body of this research, many ECFR *fatwas* and resolutions were engaged. The council keeps issuing collective *fatwas*, recommendations, and resolutions to guide Muslims in Europe. What is important is that these collective *fatwas* and resolutions provide insights into the struggles European Muslims face. They also provide insights into the ideologies ECFR adopt to help the Muslim communities in Europe. Thus, they may serve as primary resources not only pointing to the conflicts Muslims face but also to the position of the juridical resolutions that were given to help them. Besides the ECFR, there are other Islamic networks in Europe, that set guidelines for Muslim communities in Europe. Al-Saify (2009) dedicated his research to examine the role of both the ECFR and the FCNA as the two main institutions developing the fast-growing subject of minority jurisprudence. Rafeek's thesis (2012) focused on the application of minority *fiqh* in the context of the UK.

Islamic organizations in Belgium were established not only to help Muslim communities but also to meet the demands of policy-makers.¹⁵ Islam is recognized in

¹⁵ The relations between the state and religions are based on Article 19 of the constitution adopted in 1831 that institute the principle of freedom of religion. Article 21 institutes the separation of church and state, which is considered to be a relationship of reciprocal non-interference. These provisions actually reflect the Belgian state's spirit of neutrality towards religious affairs. Articles 14, 17 and 117 of the Belgian Constitution constitute the freedom of religion. On 4 March 1870, law to regulate the management of the temporal (i.e.: the management of the material, not theological aspects) of 'recognised' religions. Other religions, without 'recognition', would also be allowed to exist on Belgian

Belgium as one of the state's religions since 1974. However, the government looks for a kind of central Islamic authority to serve as a bridge between the Belgian authorities and the Muslim communities. In 1968, before the official recognition of Islam, the government acknowledged the Brussels Islamic Cultural Centre as the representative of Islam and Muslims in Belgium.¹⁶ The documents collected from the archive of the Islamic Centre in Brussels showed that the Islamic centre had its origin in 1963 one or two years before the start of the first labour immigration. It was established in Brussels to serve as a hub for Islamic culture. The demand to have such a centre was presented by the joint work of embassies of Muslim majority nations in Belgium. At this time, the Muslim community was represented by foreign workers mainly in the Muslim countries' embassies. The main purpose of this centre was to offer an opportunity for Belgians/Europeans to know Islam. It was dominated and directed by Muslims from the Middle East. They were mainly from Saudi Arabia under the leadership of the World Muslim League.¹⁷ When the immigrants came to Belgium, they appreciated this centre for inquiries and questions concerning their needs. When Moroccans became the majority of Muslims in Belgium, an adjustment was made to include Moroccans in its leadership. The centre offers the following services:

The Centre includes a *massajid* (Worship Room) at which the prescribed regular prayers are performed and *Juma* (Friday) congregation meets;

A place where Muslims can meet and mark their celebrations of *Eids* (religious feasts) *Eid al Fitr* at the end of Ramadan and *Eid al Adha*, the (Sacrifice) and other social occasions as well as providing meeting halls for organising conferences that discuss affairs of Muslims and their contemporary issues;

Providing adequate education at their schools or weekly classes for Muslim children as well as social, cultural and health services;

territory, but they would not be able to claim any financial support. This principle of neutrality differs from the concept of *laïcité* or secularism, which assumes a strict separation between the state and *religion* as in France. Consequently, Belgium is different from other European countries in its official relationship with Islam.

¹⁶Appendix 2.1.

¹⁷The Muslim World League was founded in Makkah on the 14th of Dhul Hijjah 1381 the 18th May 1962. It is engaged in propagating Islam, elucidating its principles and tenets, refuting suspicious and false allegations made against the religion. The League also strives to persuade people to abide by the commandments of Allah, and to keep away from prohibited deeds. It is to help Muslims solve problems facing them anywhere in the world and carry out their projects in the sphere of Da'wah, education and culture. The League, which employs all means that are not at variance with the Shari'ah to further its aims, is well known for rejecting all acts of violence and promoting dialogue with the people of other cultures. It established The International Organization for Muslim Scholars in compliance with the resolution of the Fourth General Islamic Conference held in Makkah 1423H so as to unite and clarify the attitudes of Muslim scholars and intellectuals on different causes as well as addressing newly emerging and unprecedented incidents faced by Muslims. (See more at: <http://en.themwl.org/about-mwl>)

Supervising marriage contracts, counselling and enhancing relations;

Arranging Islamic burials of their dead, via securing them Islamic graveyards in Belgium or in homelands;

Organizing *Hajj* pilgrimage & *Ummah* small pilgrimage.

Helping Europeans who wish embracing Islam and follow their cases as new converts and grant them the special care they deserve.

An important decision was taken in 2018. The Belgian authorities took back control of the Islamic Centre of Brussels by terminating Saudi Arabia's lease of the building. It was because of the belief that the Centre promotes radicalism. The decision broke with Saudi Arabia's unusual 99-year, rent-free use of the building run by the Mecca-based Muslim World League (MWL):

Belgium leased the Grand Mosque to Riyadh in 1969, giving Saudi-backed imams access to a growing Muslim immigrant community, mostly from Morocco and Turkey, in return for cheaper oil for its industry... in order to put an end to foreign interference in the way Islam is taught in Belgium... Belgian Interior Minister Jan Jambon tweeted of Friday's announcement that in this way we are tackling Salafists, violent extremist influences. (Alissa de Carbonnel world News Reuters: March 16, 2018).

The Justice Minister Koen Geens said the sprawling complex would instead house the offices of the Muslim Executive of Belgium, the official body which represents Muslim communities across the country (Alissa de Carbonnel world News Reuters: March 16, 2018).

Besides, there is the Executive of Muslims in Belgium (EMB). The Belgian state requires the designation of a head of the faith (similar to Catholics), who would become its partner representative. As there was no head representative of all Muslims in Belgium, the government proposed creating a body of elders who might serve in this regard. The Executive of Muslims in Belgium was created in 1994 as a legally recognized organization to facilitate co-operation between Belgian Muslims and the Belgian authorities.¹⁸ This is an adjustment made by the Belgian system and was accepted as a new model of leadership for Muslims in Belgium. The Muslim Executive of Belgium has its own history of development.¹⁹ Even though Belgium granted Islam official recognition through a law of 19 July 1974, this did not settle relations between the government and the Muslim community. It took the Muslim community some time

¹⁸ Similar organizations were created in Europe: Islamische Glaubensgemeinschaft in Österreich (IGGiÖ) 1979 Islamiska Samarbetsradets (IS, Sweden) 1990 Comision Islamica de Espana (CIE, Spain) 1992 Exécutif des musulmans de Belgique (EMB) 1994 Conseil français du culte musulman (CFCM, France) 2003 Contactorgaan Muslims en Overheid (CMO, Netherlands) 2004 Consulta per l'Islam in Italia (CII, Italy) 2005 Deutsche Islam Konferenz (DIK, Germany) 2006 and Mosques and Imams National Advisory Board (MINAB, UK) 2006. For further studies see Leman, 26.02.2015.

¹⁹ Appendix 2.2 Exécutif des Musulmans de Belgique Executive of Muslims in Belgium.

to organize themselves and to be able to collect a representative body as demanded by the Belgian authorities. The EMB functions as a bridge between the Belgian authorities and the Muslim communities.²⁰ Besides, EMB cares for the collective needs of Muslim communities at large caring for their practical needs such as urging the government to set aside areas for Muslim burials in public cemeteries, *halal* slaughterhouses, Islamic religious festivities and other issues that may concern the society as a whole. It is also responsible for proposing teachers of religion and *imams* for prisons, hospitals and the army. It is responsible for most mosques and, in the words of the president, “there are few mosques that do not accept to be part of the Executive” (Informant 83). Moreover, there exist some Turkish Islamic organizations. The EMB president said: “there are some unsettled differences between the Moroccans and the Turks. However, such differences are not unique for Belgium” (Informant 83). The Islamic federation of Belgium (IFB) is known as Milli Görüş and the Turkish Islamic foundation of Belgium (TIFB) is known as the *diyanet*; these were set up to help the Turkish people (Yanasmayan 2010). Many distinctions between groups of Muslims continue to matter even at the level of choice of mosques, and associations. Moroccan organizations in Belgium have personal rather than institutional links with Morocco. The main umbrella organization for Moroccan mosques in Belgium is the *Rassemblement des Musulmans de Belgique* (Union of Muslims in Belgium, RMB), which receives financial support from Morocco (Torrekens, Corinne, and Ilke Adam 2015). Besides, there are independent mosques and some self-styled organizations, which tend to be of a more political nature such as the former group ‘Shari‘ah 4 Belgium’.

2.9 Conclusion

The themes emerging from the review of literature in this chapter were varied: the majority of Muslims in Europe today came as “guest labourers”, mostly to former colonial countries. In the beginning, they experienced a ‘myth of being guest-labourers’ as neither they nor the host countries were sure of what would happen next. Concerning the Belgian Muslims, in contrast with other European countries such as France and the United Kingdom, Belgium had no relations with any Muslim land during the colonial period, thus their choice of labourers was based on practical reasons such as language or cheap labour. The chapter demonstrated that Muslim communities are diverse and have developed characteristics concerned with their living centres, employment. Leaders and

²⁰ Internal agreement rotated the precedence between the Moroccan and the Turkish leaders.

organizations tried to formulate, in this context, a kind of central authority to help Muslims to meet the demands of host countries' laws and preserving their religious identities.

Most importantly, the chapter showed that Muslims living in Belgium came primarily from Morocco and Turkey, countries with a Sunni majority. The majority of them live in the greater capital region of Brussels and chose to live in particular locations of the city. This tendency of immigrants to live in selected areas of the city determined the choice of the locations to conduct the fieldwork. The current chapter also outlined some the problems European Muslims face. In addition, it provided insights for the following further investigations: The literature concerned with the context of immigration, suggested that their situation is far from reaching its final settlement. Establishing one's own business appeared to solve the problem of the lack of suitable employment, but this led to other juristic problems. The literature showed some attempts being made by Muslim organizations to help with the resolution of conflicts Muslim face through Shari'ah interpretations expressed in the official *fatwas*. This needs further comparative interrogation when considering the findings from the field.

Chapter Three

Methodology

3.1 Introduction

The research so far outlined the proposed research in chapter One and explored the universe of Muslims in Belgium in chapter Two. The two chapters set out the context for this research to meet the research objectives. The current chapter explains the methodology, the combination of methods and techniques employed to seek answers to the research questions. Research methodology deals with how we gain knowledge or understanding. It highlights the logic of the procedure followed for achieving the objectives. Methods, on the other hand, are the range of tools used to gather and interpret data. Methodology is also understood as a way of justifying the choice of methods. The current chapter, therefore, clarifies the plan, the design, the strategies, the protocol, and the role of the researcher. It concludes with outlining the procedures adopted for data collection and data analysis to generate results and to shed new light on the chosen field of enquiry. Additionally, since the research is fundamentally empirical and involves real people, the current chapter aspires to examine the validity of sources and to evaluate if the research has achieved satisfactory representation, reliability, and quality of data.

3.2 Rationale for the Qualitative Approach

The research aims to explain the dynamics of social and religious life, the meaning of experiences of a phenomenon or a concept to different individuals (Creswell 1998:236). It focuses on how Muslims interpret their experiences and by what means they deal with them. Qualitative studies usually start with the question “How?” They take the researcher into the field with their different tools for interactions with the participants. Thus, this study is deeply grounded in the qualitative research tradition as expressed by Yin (1994). In addition, the qualitative research methods emphasize qualifications in collecting and analysing data to reach generalizable results. In addition, the qualitative research approach has been widely recommended as a methodology for data collecting, the analysis of subjective experiences, views, and perceptions. Many scholars have already successfully applied this postulate (Burnard 1994:111, Charmaz 2008, Munhall and Chenail 2008, Yin 2006, Stake 1995). Scholars have turned increasingly to qualitative approaches to inquire and tap into perceptions and practices during routines and in times of crises (Foster and Bochner, 2008: 86). Drawing on the review of

literature, I realised that the ‘new Europe’ is characterised by different social and cultural groups composed of multi-ethnic, multi-cultural, and multi-religious and non-religious people. Muslim culture, including religion, provides Muslims with a system of rulings that equip them with what to do, and what not to do. But, the context of Europe is different from where Muslims came from and presents them with challenges that demand resolutions. I needed tools to allow them to explain their experience and to allow me to make sense of the findings. The literature demonstrated that Muslim communities face challenges and draw upon different ideologies for finding resolutions. Their situation is multi-dimensional. Besides, works of scholars, Muslims, and non-Muslims whether from within the community or from abroad, highlighted the situation as far from being amicably resolved. The nature of this context underlines the principles that explain the selection of the methodology. Equally important, the research involves investigations of the evidence from the field. Therefore, the feasibility of a proposed methodology to address research of this nature is to combine fieldwork and literature survey methods (Creswell: 2008) and, consequently, qualitative tools are required to collect and analyse the data. According to Michael Patton: Qualitative research analyses data from direct fieldwork observations, in- depth, open- ended interviews, and written documents (Patton 15/10/2005). These qualitative inquiry tools helped to explore from the bottom up the challenges, the mechanisms/frameworks for resolutions and the degrees of awareness/ receptivity and impact on the communities. In addition, this research was a product of a movement between theory and fieldwork. Thus, a classical procedure combining theory and empirical data to generate new knowledge were applied. The empirical dimension required some interpretation and the twin methodologies assisted to examine the assumptions drawn from literature by comparing or contrasting them with the empirical findings

A qualitative data gathering tools ranging from open-ended in-depth interviews and specific focus groups were used in order to collect narrative materials and lived experiences. In addition, two groups to discuss and to validate the findings were conducted (Creswell 2008, Yin 2014) and their voices were reported in the research conclusion.

This approach is by no means the only way to accomplish the work. Qualitative researchers belong to many different paradigms (Na’slund 2002). Yet, “there is no standard approach among qualitative researchers” (Silverman 1993: 23). Silverman claims that qualitative researchers use four primary methods: observation; analysing text and documents; interviews; and recording and transcribing (Silverman 1993: 8-9).

The empirical data, therefore, came from discussions, experiences, observations, and documents from the field. The inductive from the bottom up approach: observations, repeated patterns, hypotheses and conclusions were used.

3.3 Research Design

There are different ways to design a piece of research. In the current research design, I have adopted the interactive model of Maxwell (2013) with its five components: Goals, key questions, central question for research, tools, and validity (Maxwell 2013: 5). The interactive model design forms an integrated and interacting model with the whole. (See also R.K. Yin 2009:2- 3). It illustrated the process in Figure 3.1.

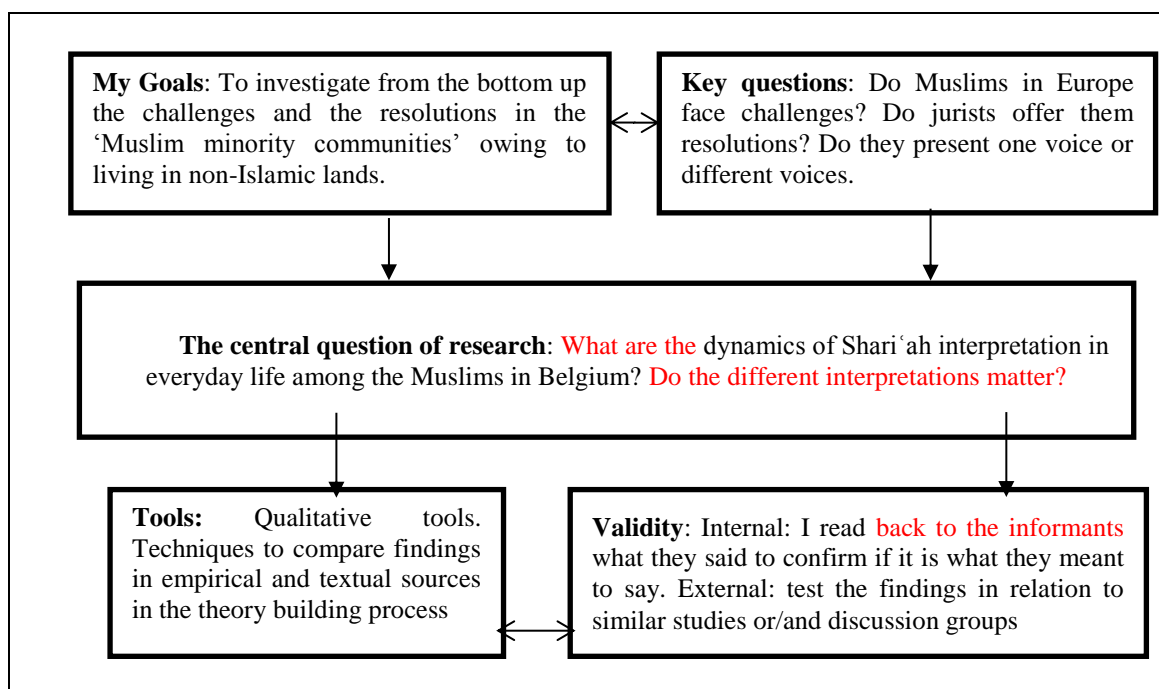


Figure 3.1 Interactive Research Model

The research subject was formulated and then the plan was set up. The tools were selected and the data from the field were gathered. Relevant findings from the literature were used then to engage with the empirical data. In presenting, analysing, and interpreting the data, Kvale's Seven Stage Strategy or technique was used: "Thematizing, designing, interviewing, transcribing, analysing, verifying, and reporting" (Kvale and Brinkmann 2009: 53). This technique illustrated the plan, and how to use the tools in the process of collecting, analysing, interpreting, and validating data in relation to the main research question. It guided the process of determining what relevant data is, and how to ensure that it can interact with the other components for

validity and conclusion formation. The advantage of this process was that it allows adjustments.

In the field, I talked with participants explaining the project and listening to them. I wrote down their stories that they provided in response to the research question(s). I collected documents and documented my observations (Foddy, 1993: 127). I uploaded the data then I coded, reported, and analysed as suggested by Maxwell and by Strauss and Corbin (1990). The use of the software Nvivo 11 plus facilitated the process of creating relevant codes, themes and categories of the primary data allowing me to compare them with relevant studies. I arranged the key aspects of findings in Tables as they appear in the Appendices 4.2-4.6.

The research takes a comparative approach. There are different comparative techniques in social science. This research draws on a comparative approach not only comparing the empirical with the theoretical but also comparing the experiences of participants across the divisions of their ethnicity, generation, gender, and religious affiliation.

The purpose was to employ the research tools flexibly and reflectively. It tested, observed, and reflected after each stage of the data collection process. This enabled to incorporate feedback from the field to revise and change. It drew confirmation of approach in Burawoy who argue how he “applies reflexive science to ethnography in order to extract the general from the unique, to move from the ‘micro’ to the ‘macro,’ and to connect the present to the past in anticipation of the future, all by building on pre-existing theory” (Burawoy 1998: 5). Accordingly, data analysis and reporting are the ultimate stage of any research. In dealing with the data, the intention was to use a neutral voice to describe them before the process of analysis and interpretation. In worked with the data using a bottom up approach to reach conclusions. The comparative approach helped in the process to generate knowledge and in return, to shed new light on to a given religious phenomenon such as the dynamics of Shari‘ah interpretations in the daily life of Muslims.

3.4 Field and Sampling

The research population comprises of Muslims in Belgium. The field stands for the research population and where the research was conducted, and data collected. The review of literature in chapter Two demonstrated that Muslims prefer to live together. They choose to stay in big industrial cities and prefer to live together in particular locations (Hussain 2010:13). In Belgium, they are concentrated in the city of Brussels

capital region (Fadil 2012:70). Muslims can be also found in other industrial cities in Belgium such as Antwerp, Liege, Hainaut, and in the region of Charleroi and in Limburg (Bousetta 2003: 8). Thus, the literature suggests the field. In addition, Bousetta signalled a tendency among each ethnic group to live together in particular locations (Bousetta 2003: 8). Bousetta demonstrates that it is most likely that in a particular location, informants may belong to a single ethnic group. Another theme the literature pointed out was that the community includes different ethnic groups with a majority from Morocco and Turkey. Investigating the field in stage one, I found that the concentration of Muslims in Brussels made it a potential field to conduct most of the research.

As I expected, my informants came from different ethnic groups, and I met with them where they lived in Brussels and other cities in Belgium as indicated in the maps:

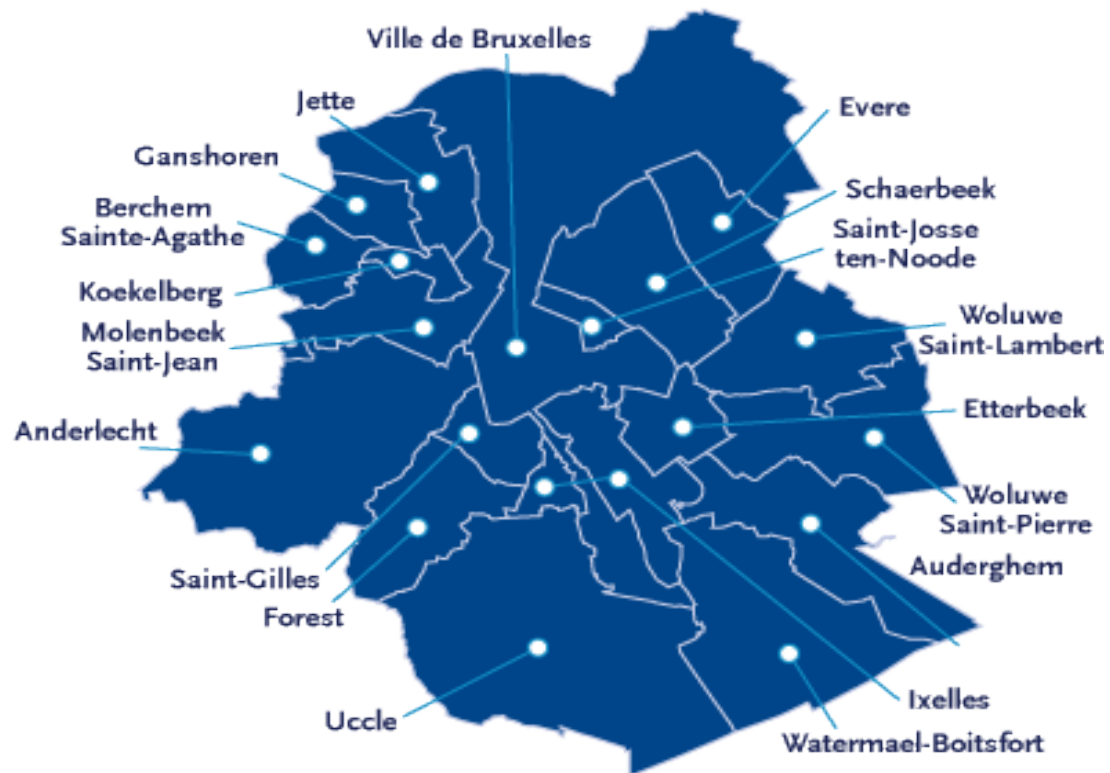


Figure 3.2 Locations in Brussels

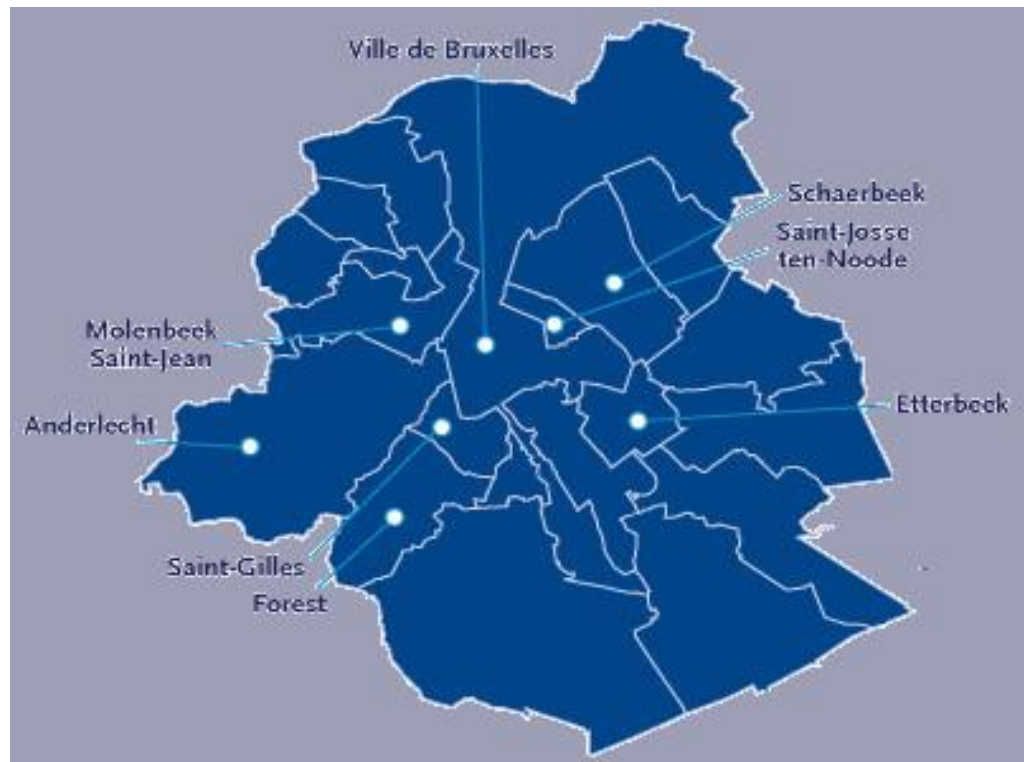


Figure 3.3 Cities representing the Research Field

As illustrated, besides Brussels, I included informants from the cities of Namur, Ghent, Bruges, and Antwerp. They included only first and second generations as I decided to limit the research populations to first and second generations in order not to include children.

The qualitative approach as suggested by Max Weber (1949) helped me to decide on representatives. I applied Max Weber's social interpretative action theory as a broad reference technique while selecting groups in the process of studying interactions within society. Weber argued for the social interpretative action theory of examining smaller groups within society to study social action through interpretive (rather than purely empirical) means, based on understanding the purpose and meaning that individuals attach to their own actions. He argued that social actions should be the focus of study in sociology. To Weber, a 'social action' is an action carried out by an individual to which an individual attaches a meaning (or thinks about). He referred to two types of understanding: '*aktuelles verstehen*', which is direct observational understanding, and '*erklärendes verstehen*', where the sociologist must try to understand the meaning of an act in terms of the motives that have given rise to it. The way he identified various types of actions that are distinguished by the meanings on which they are based helped me. I realized that 1) Affective or emotional action stems from an individual's emotional state

at a particular time; 2) Traditional action is based on established custom; people act in a certain way because they have always done things that way from built-in habits; 3) Rational action involves a clear awareness of a goal. Such a social action theory gave me a better understanding of actions behind human behaviour, be they ‘traditional’, ‘affective’ or ‘rational’. Weber’s theory was relevant to the research as it involved a representative sample of the field population and helped me to understand their actions. In selecting participants to provide a detailed picture of population, I applied the availability purpose sampling technique. A sampling of population elements was selected based on their availability (Gueron 2002: 18). To gather my sample a purposive sampling model served as the most useful method when the researcher knows in advance what individuals to seek out (Bernard 2000:176). As the sampling frame must be representative of the population, I included first and second generations from different ethnic groups in the research field and it included representatives from different religious trends and genders. I involved a sample of informants in circumstances of crises and leaders. It is possible that some members of the population may have had no chance of being sampled. However, in order to minimise this possibility, the 108 informants were from different locations including representatives of the population regarding gender, generation, ethnic and religious affiliation.¹ The cross-group, cross-national comparisons helped me to reach the conclusions.

To gather data, I went to where the participants lived. I met with them in cafés, marketplaces, mosques, schools, their homes, metro stations. Some of them were friends who agreed to come to my office and, as such, I could go back to them for clarifications. They included *imams* and other leaders. Their variety helped me to identify existing differences and to import a comparative dimension to the data. Concerning the choice of leaders, the Islamic Centre in Brussels and the Executive of Muslims in Belgium (EMB) are the two most important organizations representing Muslims in Belgium as was pointed out in chapter Two.

3.5 Research Stages

The research included five stages. Moving from one stage to the following one helped me to reflect on and to sharpen the research as it progressed. Before proceeding from one stage to another, I presented the data in tables but, at the same time, I evaluated the

¹ Appendix 4.2.

variety of informants to be sure that it was in line with the sampling procedures. I grouped the findings together, divided into them themes and reported them.

Stage One was a pilot discovery stage involving 10 informants including one leader. I conducted this stage in order to define what ‘is happening in the field’, and to confirm ‘where and how’ to collect data. I conducted it from March 2014 to January 2015 including a variety of informants. Their comments and suggestions helped me to reflect and to adjust for the following stages. Firstly, I became aware that engaging with informants in an oral discussion at the beginning explaining the project helped to discover their area (s) of interest. In return, their interests guided me where to put the emphasis during the procedure. Secondly, during this stage the presence of my daughter helped me to approach women. Otherwise, approaching foreign women alone was not culturally acceptable. In general, the presentation and engagement of women in Muslim countries has been a subject of debate (Joseph 2006). Nonetheless, I succeeded to collect from 23 females: nine from the 1st generation category and fourteen from the 2nd generation. Thirdly, before conducting this stage, I assumed that the challenges Muslims face in Europe are mainly coming from within their communities, therefore, any resolution is to come from within the community. However, I discovered that some of the challenges come from the wider majority community as well. The wider community and the Belgian authorities needed to acknowledge some desires and expectations as pointed out by my informants. Adopting the flexible and reflecting research strategy, as I mentioned above, helped me to adjust the research procedure and to add more background questions in the following stages.

Stages Two and Three engaged 72 informants: 30 in stage two and 42 in stage three conducted respectively from February 2015 to December 2015 and from April 2016 to November 2016. The collective aim was to look more closely at the challenges Muslims faced and the resolutions they adopted to deal with the challenges. An attempt was made to involve a variety of informants to enable the procedures to be a more accurate reflection of the community. This was the rationale to divide this stage into two as after Stage Two I needed to be sure that informants reflected accurately the community. However, it does not mean that I was selective; rather I purposely moved to different locations involving varieties of informants from different genders, generations, and ethnic backgrounds.

Stage Four from December 2016 to March 2017 aimed at both to further the findings and to gather data on particular groups such as prison inmates (January 2017) and others who were in crisis circumstances like illness or death, students in a cookery

school (February 2017), additional self-employed people (March 2017) as well as some additional leaders. The focus of Stage Five was to confirm the findings. I presented the findings to two groups in May 2017. They included two discussion groups in two different locations. I used the outcomes in the conclusion.

3.6 Protocol

The following principles have been included in the protocol: i) I have set up the background question.² I have a section to identify the informants that was closed in design offering alternatives. The second part was an open-ended section containing the targeted issues but flexible in use. Unlike the informants from the first generation, the second generation informants were able to either speak Arabic or Turkish, but they were often not able to write or to express themselves well in these languages. They preferred the use of the French and Dutch languages, however, I prepared the questions in English, Arabic, French, and Dutch (no Turkish); ii) I prepared what to say in the beginning to present my intended purpose as well as what to say in concluding the discussion. In the beginning, I introduced the project: the challenges they face in Belgium and how they deal with them. At the end: I thanked the informant and asked if I could come back for further clarifications; iii) I prepared answers to questions such as what to do during the talk: taking notes or/recording? I mostly took notes and sometimes used audio-taping. I filled in data summarising key themes and finally categorized the emerging themes outlining the findings in English in a database table format.³

My role as a researcher was that of an observer and reflective-interpreter. As stated before, I am an observer who is also, to an extent, an insider. I am not a Muslim myself, but I grew up in Egypt where Islam does not only present a religious system but a social and a cultural context which we all experienced. I have worked with Muslims in Europe for many years. I was accepted by the Muslim communities and have many friends. I speak the language (s) and I am not entirely a stranger in understanding their culture. However, when I worked with the data, I was more of an outsider who listed the outcomes as reported by the informants before trying to reflect and interpret them. I have this advantage of being an insider and outsider. According to Strauss and Corbin (1998), familiarity with the field of activities is a necessary condition for generating conclusions. I collected testimonies, reviewed documents, and noted observations in the

² A sample of the background questions is in Appendix 4.1.

³ Appendices 4.2-4.6.

field. I selected the stories that were most likely to illuminate the research question, reflect on, and interpret the data. I have acknowledged the possible influence of integrating personal values and assumptions into the findings even as Guerson remarks, “All researches have a set of interpretive paradigms that guide the inquiries” (Gueron 2002:16). However, scholars have shown how individual identities and academic learning can be correctly constructed through interactional and local mechanisms in the research process. They suggest that interactional and local work can even contribute to a more stable social stratification (Wortham and Jackson 2008:112 See also Eder 1995, Macbeth 2000, Erickson and Shutz 1982). Accordingly, I have firstly presented the data and subsequently sought to discuss and interpret them. Whenever I engaged personal views or observations, I made sure the reader understands my intentions.

As for the ethical issues, the text-based part of the research project, anticipated ethical issues were few. In dealing with literature in a different language than English, I referred to the original as well as the English translation. In reviewing *fatwas*, resolutions or analysing documents in languages other than English, I relied on my good knowledge of the languages and the intersecting cultures involved. Wherever I use translations from these sources, I have presented translations that are accurate to the best of my knowledge and are faithful to the original oral interviews and their transcriptions. I was very careful in my reading of the textual or documentary sources obtained from the local mosques and Muslim organizations.

Concerning the empirical part, I respected EU issues in research ethics of privacy and confidentiality. (European Commission Directorate-General for Research and Innovation: 2013) I kept their code of practice concerned with the gathering and use of information about living individuals (personal data) as informants of the research were subjects of the EU and, thus, I respected the ethical guidelines concerning the anonymity and privacy of those who participated. I had taken steps to ensure that the personal information remained confidential to protect the identity of informants. I mentioned only the first names in reporting the findings (except for the 4 who refused to give their names) and I used key code numbers to replace names when quoting informants in the research body. (I avoided family names). The names of informants in crisis circumstances were modified so I assigned to them either new names from the same ethnic groups or replaced them by key code numbers.⁴ Others reported this process of ‘anonymization’ that aimed to ‘protect’ or hide the identity of some

⁴ Appendix 4.2

informants as well (Clark 2006: 3, Poblet 2011). I did not interview children, excluded vulnerable people.

3.7 Conclusion

The methodological importance behind the research cannot be overstated. It provides tools the researcher needs to employ in the field in order to get answers for the research questions. The challenges Muslims face and the dynamics of Shari'ah have to be studied from the bottom up by analysing their experiences and points of view. I have identified the qualitative research methodology to offer a good structure for achieving the research objectives. The twin method combines the study of informants' practices in context and the understanding of their issues but, at the same time, compares them with the insights gained from the secondary literature. In line with social scientific literature, I found the data from the field when compared with theoretical hypotheses to be a central producing tool leading to conclusions. The existing review of literature on European Islam and the Muslims themselves helped me to determine my initial choice of the field, whereas other factors concerned the process of sampling and the necessity of including these in the thesis as data representative of the research population. Dividing the research into stages makes evaluations and adjustments possible and my knowledge of the culture and having friends from the communities enabled my access to informants. In the following chapter, I will outline my key findings from the field.

Chapter Four

Informants: Features, Conflicts, and Solutions

4.1 Introduction

In the previous chapters, I reviewed the relevant secondary sources and described my methodology. The current chapter involves an analysis of the data involving 108 informants who were interviewed in five successive stages as I described in Chapter Three (see Appendix 4.2 for details). The first part of this current chapter presents details of the analysis of the data concerning informants' identity and relevant features putting emphasis on how they clarify the data pointed out by the review of existing secondary sources in chapter Two. The clarifications, however, is based on the answers given by my informants. The data mainly concerning gender, age, generation, living locations, belonging, and employment. The second part presents the conflicts and the different positions my informants used to deal with their struggles. In chapter Five, that concerns the study of Shari'ah, the question concerning the receptivity of these different positions of interpretations will be further studied. Among others, their conflicts include matters relating to dietary practices and family issues as well as the complexity of life in a Western secular state. They contain issues of loyalty and belonging, cultural behaviour, finance and unfulfilled desires and expectations.

4.2 Informants

Table 4.1 is a snapshot of the longer list of 108 informants (see a longer list in Appendix 4.2)

Informants Aspects of Identity					
Code First Name Date	ID I Gender Generation Age Category Employment	ID II Ethnic and Religious Group	IDIII Residence	IDIV Belgian Citizenship	IDV Marital Status & Children
1 Abd ilkare m 3/10/1 4	Male 2 nd Generation 18-35 years Self-employed	Moroccan Sunni	Brussels/ Schaerbeek	Born and lived in Belgium Holding Citizenship	Married /2 children
2 Mora d	Male 1 st Generation 36-65	Turkish Sunni	Brussels/ St.Joose	Less than 5 years in Belgium.	Not married

3/10/14	University student				
3Bouz-enab 17/10/14	Male 1 st Generation 36-65 Imam	Moroccan Sunni	Brussels centre	More than 10 years Holding Citizenship	Married /2 children
4 Chua r 17/10/14	Female 2 nd Generation 36-65 School teacher	Moroccan Sunni	Brussels Schaerbeek	Born, lived in Belgium Holding Citizenship	Not married
5Abd iqader 7/11/14	Male 1 st Generation 36-65 Self-employed	Sunni in Morocco/ Shiite in Belgium	Brussels Anderlecht	More than 10 years Holding Citizenship	Married/ 4 Children
6 Moham md 14/11/14	Male 1 st Generation 36-65 Self-employed	Libyan Sunni	Brussels city	8 years in Belgium Holding Citizenship	Married /3 children
7 Hanan 14/11/14	Female 1 st Generation 36-65 School teacher	Moroccan Sunni/	Brugge	More than 10 years Holding Citizenship	Not married
8 Mosta fa 14/11/14	Male 1 st Generation 36-65 School teacher	Moroccan Sunni	Brussels Molenbeek	More than 10 years Holding Citizenship	Married /6 children Belgian wife
9 Latefa 21/1/15	Female 2 nd Generation 36-65 Student	Tunisian Sunni	Brussels St Joosse	Born in Belgium. Holding Citizenship	Not married
83 Leade r 1 15/3/14	Male 1 st Generation 36-65 President (BME) Belgium Muslim Executive	Turkish Sunni	Charlloi	Lives in Belgium more than 10 years Holding Citizenship	Married /2 children

Table 4.1 Key Aspects of Identity

The Table clearly indicates the diversity in ethnic, generational and gender identities and other key aspects of Muslims I interviewed. This largely corroborates the sampling process in Chapter Three.

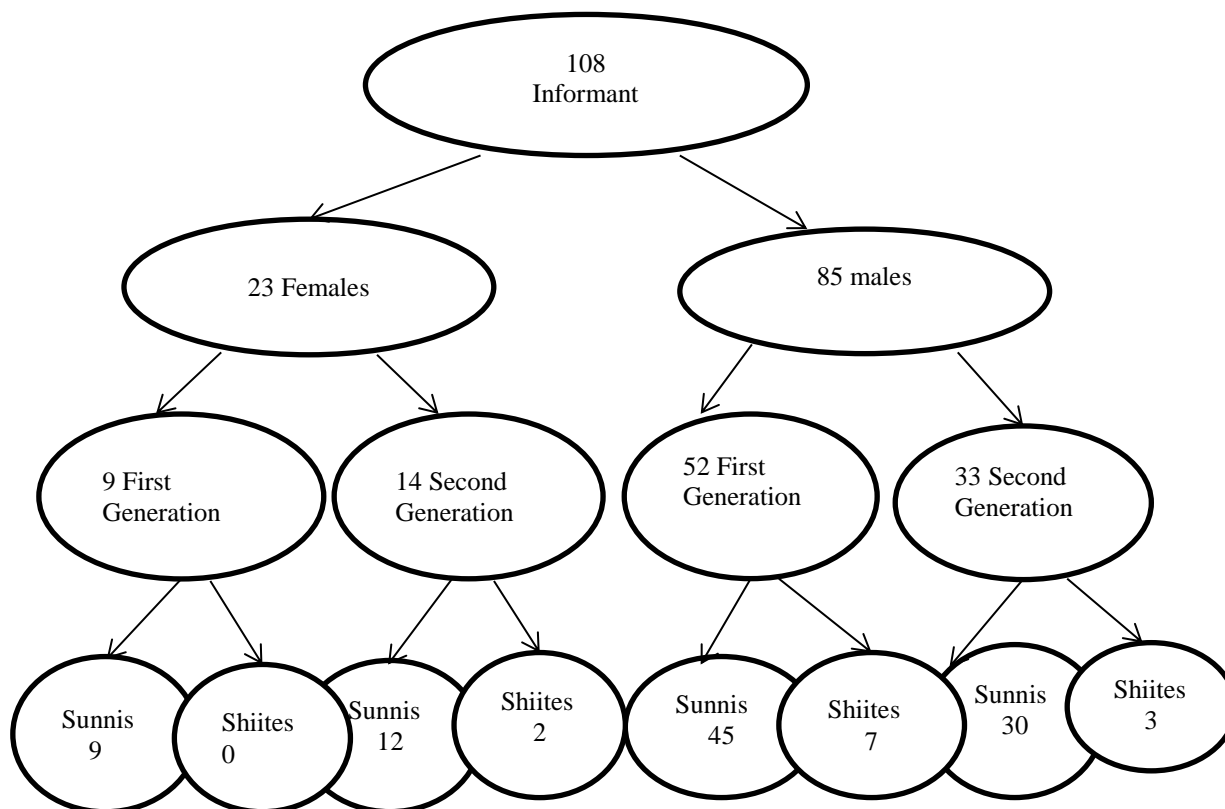


Figure 4.1 Sub-Categories of Research Informants

Figure 4.1 outlines the data displayed in Table 4.1 and Appendix 4.2. It illustrates that informants came from different ethnic groups, generations, ages, and traditions. In relation to diversity, the fieldwork engaged 108 informants from the diverse ethnic, religious, gender and generation groups represented in Belgium³². In fact, the data shows that my informants came from twelve ethnic groups. They also fairly represented a diversity of sub-categories: 21.3% of them being females and 78.7% being males. 57.4% of them came from Moroccan origins (reflecting the majority) and 9.3% from Turkish origins and 33.3% represented most other ethnic groups living in Belgium. Nevertheless, it was culturally difficult to interview Muslim women because of their disinclination to interact with male strangers. It was pointed out that Islamic categorizations of people affect relations between people and space, limits the mobility of women in ‘male’ public space (Mazumdar 2001). It was significant that the female from the second generation accepted to connect more than those from the first generation. The selection of Moroccans was more largely due to some pragmatic

³² It was difficult to interview women and Turks but for a qualitative research I had sufficient data.

factors. They were easy to access because of linguistic and cultural connections. The ‘snow balling’ strategy led to more Moroccans willing to connect than those from Turkish background. The Turkish informants were consequently less in percentage comparing with the Moroccans, but the data collected from the ten informants was enough for a qualitative research designed to use different types of primary sources. Interviews were just one source of data; the other sources that complemented these were personal observations made over a long period of time besides a substantial amount of primary textual material. The interviews also involved different voices; they included students, mainstream and self-employed workers, and a leader. Likewise, the information gathered from the ten prison inmates included interviewees from a variety of ethnic backgrounds and generation. I had what was needed to study their issues in crisis circumstances, and it was clear that I had reached a saturation point in what could be usefully gained through interviewing this group of the informants. The choices made were theoretically informed by works in qualitative research such as Yin, who supports the idea of smaller sampling of people, sites, or events in a qualitative study (Yin 2011). Boyd suggests too that saturation can often be reached after interviewing two to ten participants (2001).

As regards generations, informants were again fairly balanced: 55.5% come from the first generations and 44.5% from the second generation (I avoided the minors, below 18, who represent about one third of the Muslim population in Belgium): “Muslim population in Belgium is very young. Almost 35% of the Turks and Moroccans, the largest Muslim groups in the country, are below 18 years old, compared with 18% of the native Belgians” (Euro Islam: Country Profile Belgium 2014).

In relation to age, the males and females from the ages 36-65 portrayed the biggest group including 50.9% informants, those of 18-35 come second including 43.5% and 5.6% come from the above 65 years’ category. 88.9% were Sunnis (reflecting the majority) and 11.1% were Shi’as. The Sunnis and the Shi’as represented different genders and generations as I outlined in Figure 4.1 According to the president of the Belgian Executive of Muslims, “the Shi’ites represented 1% of the Muslim communities in Belgium” (83).

It was also significant that two Muslim females reported being married to non-Muslim husbands (28 and 68) and 4 males were married to non-Muslim wives from ‘the People of the Book’ (*ahl al-kitab*) (8, 45, 66, 77). Besides, a Muslim female interviewee informed me that her non-Muslim husband had converted to Islam (34). Two informants told me that they refused to have children (13, 66). There was also an elderly couple that

I talked to together (23) and (34). I will return to their cases in chapter Eight. In addition, there was also a minority of European converts. One of my informants was a Belgian converted to Sunni Islam. A chance meeting with a European in Moroccan national dress offered an interesting opportunity. I met the person in the morning as he was cleaning in front of a shop. While I was trying to talk to him, another person greeted him in Arabic and to my surprise, he responded in Arabic. I asked him if he was an Arab. He said he was not, but he had learned Arabic after his conversion to Islam. My talk with him focused not only on the conflicts he faced, but also on how he dealt with them. His example highlights an interesting contrast in the European converts to Islam and [diasporic] Muslims in Europe in dealing with issues of a religious nature.

4.3 Features

This section presents empirical findings and engages data from the theoretical secondary literature. The review of the literature in chapter Two showed that Muslims tend to live in close communities in particular locations within large urban centres. In contrast, my informants gave me some rationale for their choices, an important piece of detail missing in the literature. An informant (34) reported a reason for their choice for living together in close communities as follows: “it is for practical reasons such as finding housing and *halal* food.” Another (63) said, “We feel more secure when live together.” Another informant (81) simply justified the tendency to live together saying, “it is normal to live in a community with family and friends.” In my observation, while talking to informants, they were comfortable in their own Muslim neighbourhoods as they realised that they represented the majority in those neighbourhoods (Personal diary 21.11.2013). The choice of living in industrial areas was “because it is easier to find jobs” (19). The empirical data clarified the views pointed out by literature explaining these tendencies. The research informants provided their practical and personal explanation for the choices. It was for finding housing, *halal* food and drinks, for the sense of being secure when living in communities with follow Muslims. Others simply said it is normal to live with friends and family members (Informants 38 and 16). Thus, the informants justified their choices to live together.

In relation to the reported demographic growth: the 66 informants that were married had 199 children. The numbers of children were as follows: those who had from zero to one child were 13, from 2-3 children were 32 and more than three children were 21. The average number of children was about three per family. The results from the review of literature suggested that the ratio of growth among immigrants was higher

than indigenous Belgians. Fadil gave some notions that the “rate of growth of the Muslim community is higher than in the rest of the population (Fadil 2013:100). Khettani pointed out similar expectations concerning Europe: “the percentage of Muslims in Europe increased from 2% in 1950 to 6% by 2020” (Kettani 2010:154). The empirical study confirmed the results emerged from the review of literature. This did not only throw light on the trajectory of this community’s growth but also demonstrated that Muslims and immigrants in general will be an important factor for any demographic growth in Europe. In line with this, there was a study conducted in Belgium concerned with estimating the contribution of foreign mothers to the Belgian population growth. The study demonstrates that foreigners contribute positively to the demographic growth in Belgium (Van Landschoot: 2013).

Furthermore, the review of literature in chapter Two showed that self-employment was a growing phenomenon among Muslims in Europe. Based on the emerging themes in Appendix 4.2, I outline the sub-categories of employment.

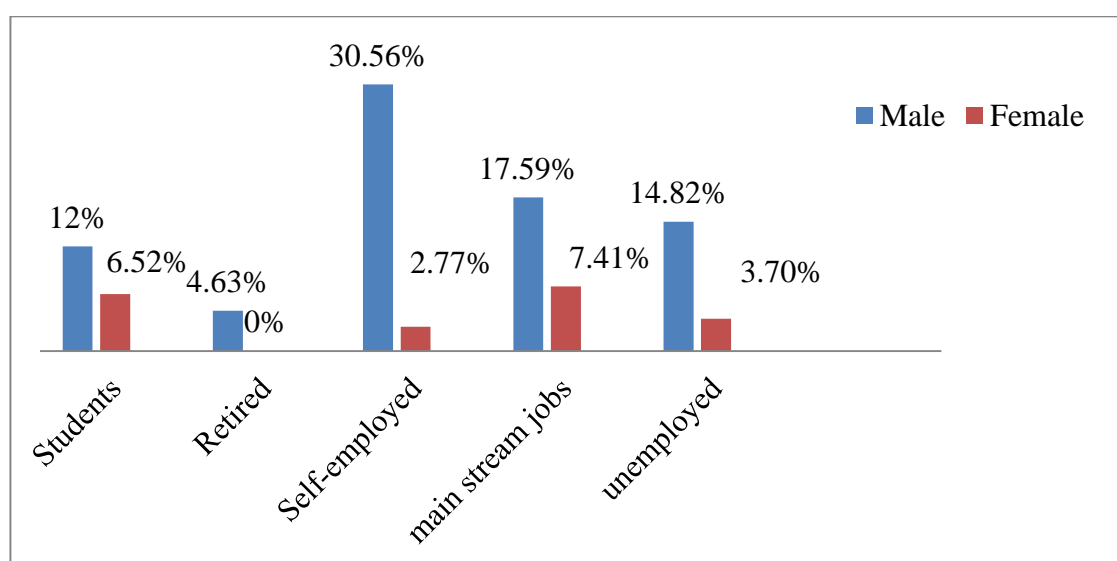


Figure 4.2 Male and Female Contemporary Employment

The empirical findings demonstrated that the self-employed informants represented 33.33% while those who worked in mainstream jobs come second representing 25% of the informants. The percentage of self-employees was higher than that of the workers in mainstream jobs. The self-employees were mostly males (30.56% male / 2.77% female) but the percentage of females in mainstream jobs was higher (17.59% female / 7.41% male). Females worked more in mainstream jobs. 92% of female informants reported a preference to work in mainstream jobs. Regarding generation, the self-employees were almost equally divided between the first and the second generations. They were 39.4%

from male second generation and 38.5% from the first generation. Among females, they were 21.4% from the second generation and 22.22% from the first generation.

In addition, the data also showed that the informants were quite productive with 58.33% being in mainstream and self-employed jobs. Thus, the results confirm those noted in the review of the secondary literature in chapter Two. The personal companies (self-employment) and small businesses run by Muslims were reported as a growing phenomenon (Triandafyllidou: 2014). The rate of unemployment, however, was higher than the average that was pointed out by the review of literature. I investigated if the work market disadvantages the foreigners and 70% of the informants informed me that the market disadvantaged the immigrants. Some worked in jobs dealing with prohibited food and drink. They worked in restaurants or hotels. Others reported working conditions where they were forced to work with a person from the opposite sex. (Informants 14 and 65 were hospital nurses). In this context, the option of self-employment likely helped Muslims in their search for work, but it became problematic when wanting to take out loans or dealing with non-Islamic financial institutions. In addition, among those who were still students, some enrolled in cookery schools learning how to prepare food and drinks involving alcohol and pork meat. I investigate these issues in Chapter Six. Besides, the level of unemployment among the informants was 9.5%. The rate was higher among females as shown in Figure 4.2. The review of literature demonstrated too that in Belgium immigrants accounted for a significant proportion of the workforce (OECD: 2015), but they also pointed out a higher rate of unemployment among the second-generation immigrants, especially females with a foreign background (Albertinelli and Knauth 2011).

Anticipation for the future was a matter of concern for scholars as I mentioned in Chapter Two. They explained their different expectations. To investigate the issue in the field, I asked my informants: How do they anticipate the future regarding the European and Islamic norms? Identifying the community's anticipations for the future predicts their hopes reflecting their unfulfilled desires. I categorized their anticipations in Appendix 4.5.

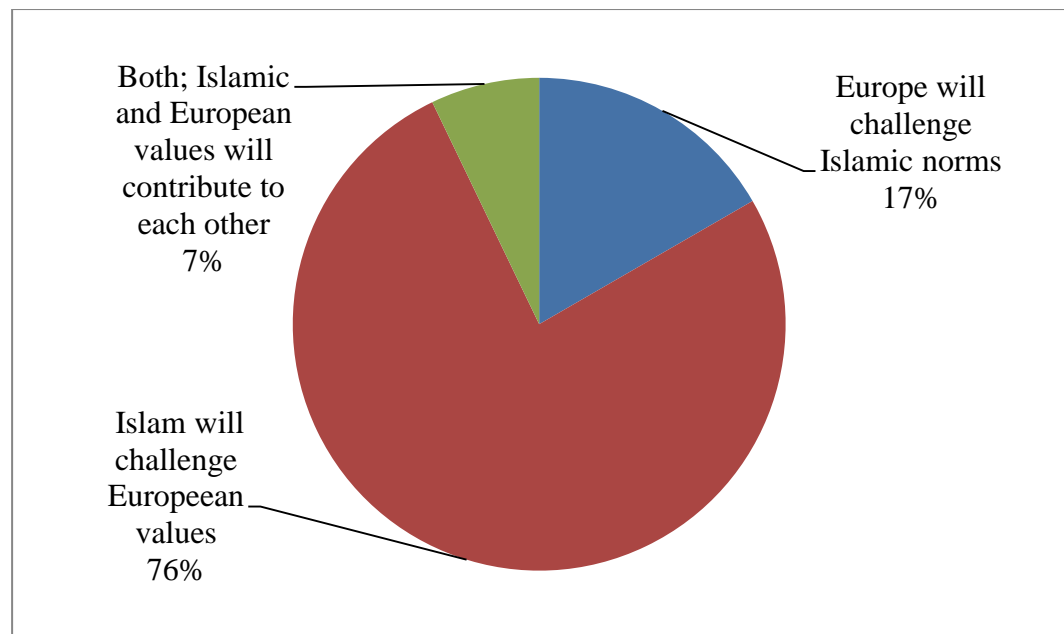


Figure 4.3 Anticipations for the Future

The answers the informants offered pointed at three main expectations. They are categorized as: that Islamic norms will challenge European values and would contribute significantly to Belgian affairs; this was suggested by the majority (76% of the informants); that European norms will challenge Islamic norms was reported by 17% while both Islamic and European values will contribute to each other was anticipated by 7%. However, some individuals expressed different opinions: for example, one reported: “I do not know the future” (Informant 1) reflecting uncertainty. Seven suggested they expected that Belgium will become both Islamic and European. Another seemed more introspective in suggesting that he hoped “Muslims set a good example and do not fight one another” (Informant 6). Informant 9 hoped that Belgium would not fall into the hands of fanatical Muslims. Informant 4 desired that Muslims would become “European Muslims, a distinct category of Muslims as compared to Muslims in my home country”. It was significant that those who reported Islamic norms will challenge European values were 59% from the second generation and 41% from the first generation, while those who suggested that values from both will contribute to each other were 62% females and 48% males.

4.4 Belonging and Loyalty

Rafeek reported that certain crises faced by Muslims are global in nature: “Particularly, Muslims would become suspicious of their loyalty towards their country of residence” (Rafeek 2012:14). The findings from the field as outlined in Appendix 4.3 demonstrated

some attractions to Belgium's civic life. Democracy, freedom, equal rights, and justice were the most important attractions of Belgium. Informants mentioned one or two attractions to Belgian society. Attraction to all aspects of civic life in Belgium was reported by seven of the first generation (11.5%) and by four from the second generations (8.5%). The attraction was more to the Belgian culture. However, one first generation informant (39) said, "I do not like life in Europe because the culture is different." In contrast, two second-generation informants (78 and 80) reported, "Life in Belgium is better than in country of origin". One (42), to my surprise, mentioned the way Belgians feast at Christmas as his most favoured attraction. The Muslim convert informant (69) reported religious freedom as his attraction to Belgium. A particular informant (23) shared a testimony referring to the care offered in Belgium for aged persons. He said: "When I became old, I was offered a place in a home for aged persons. Because of my wife's and my daughter's refusal [It was culturally unacceptable] the authorities sent an assistant to help me daily." These reported attractions contributed positively to their sense of belonging to Belgium. However, their attraction was more to civic life.

Furthermore, in the context of the UK, Ali Sundas reported two key meanings of the question on belonging to Britain: "A 'cultural' feeling (at ease) and an 'affective' feeling (attached). Most respondents interpreted the question as 'cultural', reflecting upon the practices, ethical values, and lifestyle that characterizes a country (Ali Sundas 2013:246). In her view, Muslims developed their version of belonging. Her thesis focused on identities and sense of belonging, so she pointed out:

Some Muslims had created their own version of their British identity integrating some of its Liberal tenants in their life and many were very firmly grounded in the belief that Britain is their home. They felt very comfortable with their British identity, with the comfortable ways of life in Britain, the values of fairness and justice, the meritocracy, and so on" (Ali Sundas 2013: 332).

According to Sundas, the Muslim attraction to Britain owed to British civic life. In the context of Belgium, the findings demonstrated that Muslims in Belgium have some attractions to Belgian citizenship and civic life. Thus, the findings confirmed that of Sundas. As for the Belgian citizenship, since 1984, those who were born in the country received citizenship. All who met the conditions regardless of their religious or ethnic background could obtain it. The majority of my informants (92,6%) had obtained Belgian citizenship. Those who were citizens had the same rights to participate in civic and political life as the majority. Two informants (35 and 86) refused to apply for citizenship but both have the right to stay in Belgium and wanted to keep only their

citizenship in their countries of origin. The two were denied citizenship because they did not show any interest for meeting the requirements. The first (21) did not speak a Belgian language and Belgian citizenship policies require immigrants to prove their desire to integrate, at least through a fair knowledge of one of the national languages. The second (12) was denied citizenship because his father, who had the right to support his son's citizenship, decided to move back to Morocco.

When I further investigated their understanding of the conditions of citizenship, they spoke about the advantages more than the responsibilities. This area of investigation was complex and required a detailed study. It was a multi-dimensional issue. What was evident were the measures of their loyalty to Belgium in cases of conflict. It was evidently low at 36%. What concerned more was that whilst informants scored low on their feeling of loyalty for Belgium, most were still happy to consider Belgium as their place of permanent residency. Most informants 92.6% were not against living in non-Islamic Belgium. Those who were, in general against the notion of living permanently in Europe were less than 8% (7.4%).

In order to measure their belonging to countries of origin I used three indicators: preference for taking partners in marriage from their own ethnic group; speaking the ethnic languages and teaching them to children; and regular visits and managing properties back in their lands of origin. The data revealed that many of the informants (88.40%) visited their countries of origin at least once a year. Among them about 16%, had businesses and properties to manage there. Informant (19) with her husband set up a business in their country of origin so they travelled back and forth regularly. Informant (74) reported, "I spend more time in the country of origin than in Belgium". While informant 69 (a convert) said, "I go to Morocco with my Moroccan wife to visit her family". Those who did not maintain contact were a minority representing less than 12% and thus their sense of belonging to their place of origin can be said to be exceptional. The regular visits as practised by the majority suggested a strong sense of belonging to their lands of origin.

On the issue of the languages, the data shows that the majority of the informants maintained their links with the past through speaking the ethnic language(s) of their countries of origin besides those of Belgium. It is significant that those who spoke the ethnic languages at home, among the 2nd generation were 68% higher than those who spoke only the languages of Belgium. The findings suggested a tendency to maintain their linguistic and cultural linkages with the past.

With reference to taking partners in marriage from their own ethnic group, the key findings are in Table 4.3 below.

Gender & Age Reference	Taking partners from the same ethnic group	Taking partners from other ethnic groups
All groups	75.93%	24.07%
Males 1 st generations	84.62%	15.38%
Females 1 st generations	55.56%	44.44%
Males 2 nd generations	69.70%	30.30%
Females 2 nd generations	71.40%	28.60%

Table 4.2 Preference for Taking Partners in Marriage

The majority (75.93%) preferred taking partners in marriage from the same ethnic groups, while less than 25% presented those who either preferred or were not against taking partners from other ethnic groups. The majority from all genders and generations preferred maintaining this aspect in family life. This contributes positively to belonging to the same traditions as practised in their countries of origin. Among those who were not against taking partners from other ethnic groups from the 1st generation, females came first on the scale 44.44%. Their ratio was the highest. The lowest was that representing males of the 1st generation. While among those who were in favour of partners from the same ethnic group males from the 1st generation came first and females from the 2nd generation came second on the scale. In general, females were more in favour of taking partners in marriage from outside their own ethnic groups. Among those who decided to take partners from other ethnic groups were three males who married Belgian wives (8, 45, and 66). To my surprise, some Muslim females decided to go against their traditions and married non-Muslim men (Informants 28, 33). Suffice it to say that taking a partner from countries of origin became an issue of national debate and caused some concern that Muslims wish to maintain strong ethnic ties to their countries of origin and hence do not want to integrate in Belgium. An interview conducted by a Belgian newspaper showed that 86.5 % of Moroccans living in Belgium had Moroccan partners (*Le Soir Samedi Démanche* 15,16/02/2014). Nonetheless, in answering a question about interracial marriage, it was said that ‘the Qur’an had nothing against interracial marriage. You are encouraged to marry somebody with good beliefs above all things, but I would like to advise you that it is a test in its own way. The Prophet married women from different races and tribes and religions’ (*Islam Stack Exchange*). However, cousin marriages and other forms of

marriages are common traditions in Muslim countries. It was reported that in Turkey the rate for this traditional form of marital union marriage was 23.2%, indicating a preference for maintaining cultural linkages (*Turkey Statistics Family*, 2016), even though interracial marriages are not forbidden in Islam, Muslim communities maintained strong collective belonging to marriage traditions within the same ethnic groups as practised in their lands of origin. Both the empirical study and the review of literature in relation to belonging to lands of origin show similar results. This shows that Muslims maintain a strong sense of belonging to their communities of origin. The issue of belonging contributes to understanding the informants' collective behaviour vis-à-vis their lands of origin and Belgium. It also points at the potential problems and conflicts of interest. Similar statistics can also be obtained from other European countries (Ali Sundas 2013). It is notwithstanding the significant evidence of diversity among Belgian Muslims and their continuing sense of connection with their lands of origin. What unites the majority of Belgian Muslims is their need for religious guidance for life as a minority.

4.5 Religious Practice and Advice

Another category of themes as has been outlined in Appendix 4.4 referred to issues of religious practices and the sources of religious advice. Three different indicators were included to measure these matters:

- Affiliation and practising religious duties. Informants were asked: do you always, often, sometimes practice religious duties and which is the most important one(s)?
- If there are no restrictions on practising religious duties in Europe, do the Islamic laws dealing with other daily practices remain important?
- What is your source (s) of juristic help when needed?

The findings indicated that more than 93% of Moroccan informants reported (always or often) practising all religious duties; they considered themselves more importantly as Muslim Moroccans that demonstrated that their religious identity was more important than their ethnicity. Among the Turks, those who reported as practising Muslims were 70% and they identified themselves as Turkish Muslims. Among the informants from other ethnic groups, 91.6% reported practising and identified themselves as Muslims. Their responses demonstrated that ethnicity was more important for the Turkish informants. The findings confirmed the results drawn from the review of literature that religious identity was stronger than ethnic identity among

Moroccans, while the reverse was true in the case of Turks who identified themselves as Turkish Muslims. The findings pointed out that religiosity and ethnicity represented important factors of identity but their order of priorities changes. In general, the majority of the informants reported they were practising Muslims. Similar studies of Muslims in Britain [mostly Asians] reported “an overwhelming majority, seventy-five per cent, of Muslims expressed religion to be ‘very important’ to their sense of being. In contrast just over fifty per cent thought their ethnicity or national identity was ‘very important’ to their identity” (Ali, Sundas 2013:26).

Furthermore, the sub-categories of those who practised all religious duties in relation to gender showed that among the first-generation males, about 88.5%, practised all religious duties while 11.5% were sometimes practising. Prayers were at the top compared with the other duties. The second-generation males reported: 100% as (always and often) practising. Thus, the informants from the second male generation reported they were more practising than those from the first generation (100% to 88.5%). While among female informants, about 55% of the female first generation always practised all their religious duties and those who reported sometimes practising all duties were 45%. Whereas, among the second-generation females about 86% (always and often) practised their religious duties while 14% reported sometimes practising all duties. The data also showed that the informants from the second-generation females reported they were more practising than those from the first generation. Thus, the empirical findings as explained above indicated that those who did not always or often practise all religious duties were a minority. Surprisingly, the second-generation males and females practised their religious duties more seriously than did the first generation. The expectations were different. One assumes that the Muslims from the second generation who grew up in the secularized societies characterized by religious decline would be less religious than the first generation. Ali Sundas pointed out a negative relation between engaging in religious activities and belonging:

My findings suggest religious activity to have a negative impact on the belonging of Muslims to Britain...Muslims who belonged to an Islamic political party, a religious based network operating with its own ideology, were in fact more practicing in their religion, and also felt less British (Ali Sundas 2013: 340).

However, Sundas also distinguished between religious practices and involvement in religious activities e.g. religious organizations. When I tested the idea if increased religiosity in the second generation was in response to social exclusion or experiences of discrimination, the data showed a positive association between perceived discrimination and religiosity. The second-generation Muslims, who were in favour of

practicing and expressing their religious identity in public, were asked if they had experienced discrimination, their responses were positive. It was true that the informants tended to become more religious if they experienced discrimination or any sort of social exclusion. The second generation Muslims were in favour of practicing and expressing their religious identity (Figure 4.5).

The ritual prayers were the most important of all practices. Along with prayers, the celebration of the two big feasts, one at the end of *Ramadan*, the other as the feast of sacrifice following the conclusion of Islamic pilgrimage, came second. The hope for respect from the majority and for more recognition from the authorities for Islamic cultural traditions and allowing veiling of women at work were also mentioned. One informant (6) suggested internal *jihad* (struggle for self-purification) was important and, therefore, he hoped that the Europeans would become more discreet in their choice of dressing and in public act modestly towards the opposite sex (in line with his commitment for self-purification). Two suggested the desire for doing good deed) especially to the Muslim community (Informants 1 and 100).

Concerning the sources of juristic help, informants noted they got juristic support from different resources. Some consulted local leaders for help, whilst the others carried out independent research to find answers to their questions. Some preferred to compare the answers of local leaders with those given by other leaders, while others were selective in their search for help. A minority did not bother at all. I report their voices in Figure 4.4 below.

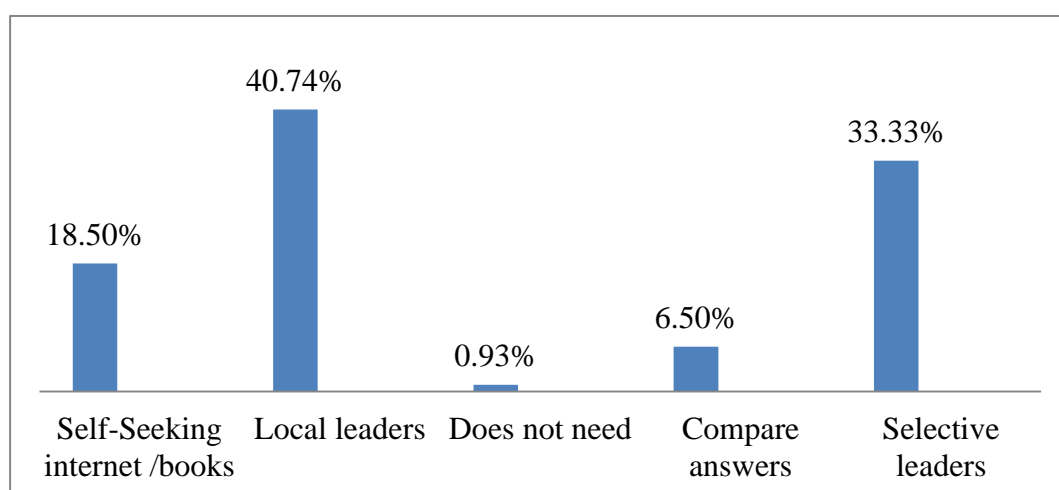


Figure 4.4 Sources of Juristic Help

The juristic help came from local leaders, internet, books, or leaders from abroad. The majority however, sought help from local *imams* and *muftis*. The second on the scale

was those who are selective in searching for help from local leaders or from abroad and two among them consulted only leaders from countries of their origin (Informants 53 and 56). One of the informants reported his reasoning for his choice as follows: “local leaders often mislead young people” (Informant 1). Another argued, “Local leaders are not well educated and hence they could not be relied on for *fatwas*. Besides the local leaders themselves are followers of other leaders and hence may simply be transmitting and implementing what others had before them” (Informant 5). One insisted, “There were no good leaders in Belgium (Informant 2). Informant 29 reported she did not need any juristic help. She said, “I do not care for more than practising the five duties of Islam and for other practical day to day issues. I accept the European laws as long as they do not forbid the fulfilment of these religious duties”. This complex existence in which Muslim minorities live necessitates more training for *imams* in Europe in order to be of relevance to the needs of the communities. Nevertheless, it was clear from observations that the majority of Muslim leaders were from the first generation and so it was not surprising some informants did not think they were qualified enough to guide. Sam Cherribi, a Moroccan Muslim, drew on his personal experiences with European politics and interviews with *imams* and reported: “I found that the discourse of the sermons functions in what might be called a no-man’s-land. It is a discourse that is far away from the society in which the imams live” (Cherribi 2010:103). In line with this, Struss also points out:

Without knowledge and experience in a foreign environment, their [Imams] role in the promotion of Euro-Islam is counterproductive. National initiatives to establish imam education in public universities may be the right approach to ensure the distribution of a reformed Islam. The acceptance of these new imams by Muslim communities, however, remains in doubt and should be the subject of future research (Struss 2011:140).

These comments confirmed my observation. There are no Islamic institutes in Belgium to train *imams*; certainly nothing like the Protestants or the Catholics emphasizes on the training of church leaders³³. Some Muslim executives in Belgium were approached by me via telephone to inquire about how they selected and trained *imams* for work in Mosques in Belgium. They appeared to be only concerned about the need for the promotion of religious knowledge:

The evaluation of the *imam's* religious competence is the exclusive responsibility of the Council of Theologians. The opinion of the Council of Theologians only concerns religious aspects. So far, there is no formal training for imams (Telephone call with the MEB on 21/05/2019).

³³ On 01/05/2019 I checked the cite of the Exudative for Muslims in Belgium at <https://www.embnet.be/fr/cder-islam-didactique-du-cours-de-religion-islamique> to find out. There was only training for religion school teachers.

They also pointed out:

The Belgian government offers language and cultural training to the *imams* who are already in the field. There are no training programmes for new candidates. Those who teach Islam in schools may obtain a diploma in didactics of the Islamic religion course. The Islamic Centre in Brussels in the process of study the possibilities of conducting religious training in the future (Telephone call with the MEB on 21/05/2019).

In line with the same concern, Husson has reported:

Various research works and discussions conducted at the initiative of the King Baudouin Foundation have underlined the important role played by imams and teachers of Islamic religion; a strong consensus has emerged about the need, sooner or later, to have imams who have been trained in Belgium (Husson,2007:9).

Thus, the situation in Belgium is similar to what was described by Cherribi in the 1990s. He pointed out:

In the 1990s and prior to that decade, the profession of the imam in Europe was improvised, and it continues to be so to a great extent today. Put simply, one does not need to have formal theological training or any special characteristics to become an imam. One needs only to be identified as a candidate for an imam vacancy in a mosque and approved by the council of the mosque. One needs to have the right network of friends and family. I use the term pseudo imams to refer to those individuals who came to Europe for employment as manual laborers and ended up becoming imams instead (Cherribi 2010:129).

Some Muslim clerics working in Europe were trained in their countries of origin while others never had formal training. Those who received training in their countries of origin were trained in traditional schools of thought. They did not have a comprehensive cultural knowledge of the European communities and, therefore, their verdicts were often not compatible with the context in which Muslims lived in Europe. Rafeek, another Muslim researcher reported:

Most of these imams and Islamic clerics do not have a comprehensive inter cultural knowledge of the European communities. They do not have enough skills, knowledge, and experience to gauge socio-cultural and legal issues of Muslim communities living in European context which has its own legal frameworks (Rafeek 2012:10).

A similar comment came from Qwidi, another Muslim female:

Thus, they continue to employ imams who will not, and cannot, relate to or initiate a dialogue with the indigenous culture. In addition to their role as focus for the community and as prayer leader, they serve to defend ethnicity, as distinct from the universal message of Islam. Nevertheless, there is an emphasis on Islamic revival. Cultural assimilation is deplored as a corruption of the faith and inner wrangling and arguments regarding community politics, steadily undermine the Muslim community in Britain (Qwidi 2002:38).

She added: The imams of the mosques, other community leaders, organisations and the intellectuals of the Muslim communities in Britain have failed to provide them with an appropriate Islamic framework to fit their situation as minorities in a predominantly non-Muslim western culture (Qwidi 2002:54). Despite this, *imams* were expected to play a role among Muslims in Europe. The majority of the Muslim communities,

however, depended on the opinion of someone deemed to be a leader. In addition, there was no single source of authority for the communities. The data showed that the role of the local leaders was seen to be important but not indispensable.

Furthermore, the importance and centrality of Shari‘ah for Muslims in Belgium was also pointed out. Shari‘ah is not a matter of academic discourse for Belgian Muslims but a matter of everyday practice in order to be able to negotiate the challenges of living as a minority. Regarding the importance of Shari‘ah rulings in practical daily matters, their answers varied. The majority 89% reported an important role for the rulings in their day-to-day practices. A minority of 11% saw a less important role for Shari‘ah in their day-to-day affairs. The findings in relation to gender and generation are in Figure 4.5.

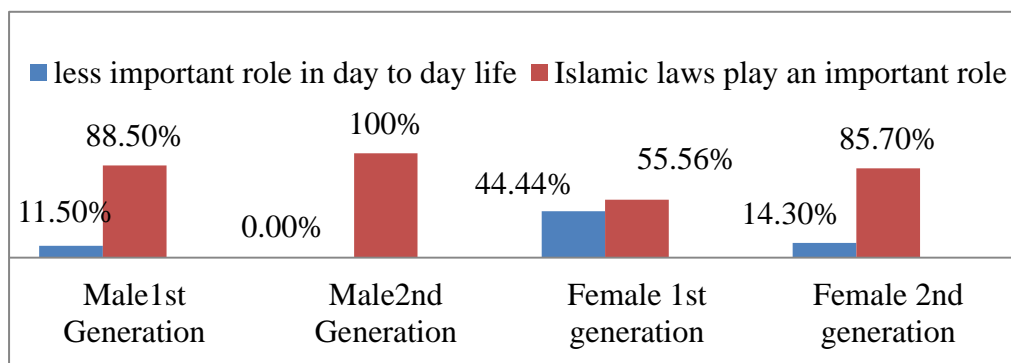


Figure 4.5 Islamic Laws in Day-to-Day Life

In relation to gender, the majority 88.5 % of the male 1st generation reported an important role in their day-to-day affairs. The rate of female informants from the 1st generation was less: 55.56% compared with 88.50% the male 1st generation. The females from the first generation pointed out a less important role for Islamic laws in their daily affairs. One female informant reported, “I am not against Islamic laws, but males often emphasize the category of Islamic laws concerned with duties of females more than the laws explaining the rights of females.” (Informant 51) Surprisingly, 100 % of the 2nd generation males reported an important role for the application of Islamic laws in the day-to-day affairs compared with about 86% females from the same category. The rates were almost identical with the rates of religiosity as reported in the previous section. For the 2nd generation, both males and females, it came first on the scale.

4.6 Conflicts and Solutions

The background questions to investigate the conflicts were:

- What are the issues that cause conflicts? Do you have stories/experiences to share?
- What are the solutions you adopted? What was the basis of your choices?
- Will you maintain your choices if the circumstances change?
- What do you think of other informants who may adopt a different position than yours?

The informants shared their personal experiences concerning what were believed was religiously prohibited to them. They also showed awareness that the non-Muslim majorities did not have the same difficulties.

The key aspects of their responses referring to conflicts according to their priority were: dietary practices reported by 79%; family matters reported by 53%; unfulfilled desires and expectations reported by 40%; the complexity of being outside the land of Islam was reported by 37% of the informants; the difficulty of varied interpretations of Shari‘ah was reported also by 37%.

The first on the scale was the problem concerning dietary practices. They were mainly concerned about learning the cooking of prohibited foods and serving alcoholic drinks in Belgian schools, working in supermarkets, restaurants, and hotels where they were obliged to deal with prohibited food and alcoholic drinks. They also referred to challenges that occurred in circumstances of crisis.

Conflicts relating to family traditions came second. Informants reported challenges stemming from living in Europe where laws were not in total conformity with Islamic family laws. They reported challenges in issues such as caring for the aged members of the family, inheritance, gender equality, and autonomy for individuals. They also reported issues relating to marriage and child-rearing.

Their unfulfilled desires and expectations came third. The priorities of their expressed unfulfilled desires were the construction of more prayer houses, as well as the legal permission for building the minarets for these prayer houses. The need for setting apart time during work for prayer in groups was also expressed because the Belgian/European working systems did not allow setting ‘time off’ during working hours for religious activities. The fixing of ‘days off’ in Europe for Islamic holidays and the recognition of Islamic feasts as national feasts came second. The need for more Islamic media programmes and the inclusion of more Islamic teaching in educational texts were also reported.

The informants collectively reported the problem of being outside the land of Islam. It came fourth. The informants reported challenges related to living in non-Islamic lands and the expectations of loyalty to non-Islamic laws. The financial practices such as the taking out of loans for mortgages, self-employment projects, or what was perceived to be an imposed system of non-Islamic insurance were also reported as problematic. The cultural public behaviour of the majority was reported as problematic because they were different than those of the Islamic culture. The informants referred to the drinking of alcohol in public, gender relations and the dress code for women were reported as sources of conflicts. The permission for Islamic women's dress and the head-cover code at work were also mentioned. The issue of respect for Islamic culture and women's dress code was the top priority for the second generation while the public behaviour of the majority occupied the top priority for the first generation. Informants all reported being fearful of possible discrimination.

Most interestingly, the informants related to the different positions interpreting Shari'ah as problematic. Informants mentioned their obligations to obey as Surah 33: 36 requires them to hear and obey in order to be successful here on earth and in the hereafter. They believed they had to hear and obey but they needed qualified jurists to interpret the texts. Jurists, however, differ in their interpretations, which presented difficulties to the faithful who were supposed to listen and obey. They realized that Muslims who reside among non-Muslim majorities may succeed in separating from non-Muslims with respect to worship and moral conduct, but they will find it difficult to do so in other opinion-forming sectors such as politics, economics, media, and education (Informant 93). The challenges facing the community caused them to demand *fatwas* from their leaders to find resolutions. These demands compelled jurists to rethink the sources of Islamic law in order to ease the life of minorities, particularly in the socio-political issues of daily life. In doing so, jurists and social science workers developed a growing interest in exploring the conflicts and the role of Shari'ah in the process. They explored the situation that set the foundations for the necessities for this new *fiqh* as it will be explained in chapter Five.

The local leaders reported their awareness of the challenge facing the community and the different positions they follow when providing help. The director of the Brussels Islamic Centre was originally from Saudi Arabia, an *imam* holding a Ph.D. and was delegated to direct and to lead the different departments of the centre. He was aware of the existence of conflicts:

The centre has developed two departments: one for family counselling and the second to help European converts to Islam coping with their new life. We engage in offering family counselling, following those who consider becoming Muslims, informing the Belgian community about Islam by organising seminars, teaching sessions, students' awareness visits, and dialogues. Besides providing counselling, the centre organised social events especially in the month of Ramadan, something that the Belgian society does not provide (Informants 86).

When I asked him, which position he or his organization adopted in offering resolutions, he answered, "Leaders in the centre are Sunnis but follow different schools of *fiqh*, however, I adopt mainly the *Wahhabi Fiqh* of the majority in Saudi Arabia. Other leaders in the centre represent other positions responding to the needs and the challenges of the community" (Informant 86). He also handed me documents explaining the history of the Centre, the official recognition of Islam in Belgium and some samples of relevant *fatwas* issued by board of jurists in Saudi Arabia that I documented in the Appendices. Another *mufti* in the Centre said: "we adopt the position of *fiqh al-Aqaliyyat* especially dealing with finances and taking out loans for mortgages" (Informant 85). He informed me:

I was delegated to visit a medicine factory using gelatine transformed from pork and reported that there is no juridical problem to use medicine produced by this factory as the final product is totally transformed. Another time I visited a company responsible for recycling water to report whether the use of water from this company was permissible especially for ceremonial washing and I found that it is permissible as the final product does not contain any component that otherwise makes the use forbidden (Informant 85).

A third leader from the Centre was a Sunni *mufti*. He was one of the main *muftis* in Brussels, a theologian responsible for practical issues such as the slaughtering of animals, and other collective needs of the community. He said, "We aim to ease the life of Muslims in Europe, and to represent Islam in moderate terms to both the Muslim minority and to the non-Muslim majority" (Informant 87). He added:

Personally, I had encouraged the application of the minority jurisprudence. However, we [in the centre] do not have any collective group of *fatwas* but we deal with cases individually and our main reference is based on the position adopted in Saudi Arabia or those issued by 'ECFR' (The European Council for Fatwas and Research) He referred to a *fatwa* issued by the centre to help Muslim students enrol in cookery schools (Informant 87).

The president of the Belgian Muslims Executive (BME) was originally from Turkey where he received his education in Islamic theology (Informant 83). He taught Islamic theology for five years until he was elected president of the Belgian Muslims Executive (BME). As BME president, he said:

I became the delegated representative who functioned as the link between the Muslim community and the Belgium authority and, with other committee members, we are responsible for the delegation of religious school teachers, teaching materials and the choice of *imams* for prisons, hospitals, refugee camps and the Belgian army (Informant 83).

When I asked about the BME position in offering help, he answered:

I am a theologian who believes in the necessity of the application of the minority jurisprudence to help our communities; however, if the demography of society changes and Muslims become a ruling majority the application should be evaluated'. Most importantly, I hope the Muslim communities have a single voice at least on some important collective issues such as the beginning of Ramadan (Informant 83).

When I inquired why it was difficult to have a single voice, he said, "The influence of the countries of origin in the process of decision making is strong and affects our decisions." During the discussion, I became aware of another important function of BME. The responsibility for checking and publishing of *fatwas* produced by the community of elders to be sure that the *fatwas* are not in conflict with Belgian laws. Thus, whatever the Belgian laws view as illegal is automatically forbidden. When I asked if the BEM could practically assume this responsibility, he answered: "in most cases we are able to control the situation but some independent mosques that are not under the authority of the BME are difficult to control." When I asked about the case of contradictions between Belgian and Islamic laws, he replied, "We do not circulate the *fatwa* in case of contradiction with the Belgian authorities."

What was significant in the discussion is, firstly, that the BME has not always been able to present a single voice on some collective issues because of the strong influence of the countries of origin of the members of the committees; secondly, the official obligation of BME was to respect European laws and not to publish any *fatwas* that may conflict with the Belgian laws. The chapter also highlights the importance and centrality of Shari'ah for Muslims in Belgium. The following chapter is dedicated to the study of Shari'ah and its issues.

The informants employed three different positions to deal with their struggles in seeking a balance between the religious teaching of Islam and their non-Islamic context. The position of those who relate to European laws to deal with the struggles was adopted by 14.80% of informants. 64.80% accepted both the text and the context while 20.40% ignored the context in which Muslims live. Chapter Five is dedicated to study further multiple approaches to Shari'ah interpretations.

4.7 Conclusion

The primary data helped in providing a supporting rationale or clarifications to some points already generally covered in review of secondary literature in chapter Two. In relation to the tendency to live together in big cities and in close proximity to other Muslims, the informants offered practical reasons for justifying their choices. Furthermore, the chapter demonstrated that the majority maintained a strong sense of

belonging to their lands of origin combined with some attractions to Belgian citizenship and civic life. They were aware of the conflicts of interest or/and double loyalties as experienced by my informants. The chapter showed too that a large proportion of the informants saw an important role for Shari‘ah in their day-to-day affairs. Interestingly, though, the females from the first generation were less in favour of the application of Islamic laws than the males in the same category. In addition, the second generation was more in favour of practising and expressing their religious identity in public than the first generation, contrary to expectations.

The chapter also pointed out a tendency to become more religious was prevalent among those who had experienced discrimination or any sort of social exclusion. Even though there was no single source of authority, the role of local leaders was seen to be important. I found, from the informants’ answers, that religious and social identities such as Muslim women's headscarf (*hijab*) in Islam are not like private beliefs or attitudes that, in principle, can be sustained without expression and recognition. The second generation was more in favour of such expressions of identity than the first-generation in demanding the authorities to permit females to wear head-covers at work. Their minority status played an important role here even as they were trying to balance their religious obligations with the expectations and obligations of being a citizen of Belgium. They reported cultural conflicts and feared the dominant culture’s influence on their family traditions. They gave accounts of unfulfilled hopes and shared experiences of the many challenges they faced. Conflict stemmed from loyalty issues. Most interestingly, they reported difficulties caused by their own religious leaders who did not hold to a single position when they offered juristic help. The chapter sets the foundation for the following chapters. Shari‘ah and its related issues will be the focus of chapter Five. The dietary practices will be studied in chapter Six, family traditions in chapters Seven and Eight, loyalty, belonging, cultural behaviour and finances in chapter Nine.

Chapter Five

Multiple Approaches to Shari‘ah Interpretations

5.1 Introduction

The previous chapter dealt with the data obtained from the 108 informants. An analysis of this data not only showed it supported points made already in the secondary literature but also provided some new leads. One of the main outcomes of the analysis was that it highlighted a central place for Shari‘ah and its interpretation among the majority of my research population. This was a significant development but, more importantly, the analysis also brought to light themes of Shari‘ah interpretation that concerned my research population the most. They were mainly referring to dietary practices, family issues, issues of loyalty, belonging, finance, cultural behaviour, and expectations. The aim of this chapter is two-fold: It is theoretical in that it will outline what Shari‘ah and its interpretation in the minority context of Europe actually means. It is also empirical in that it will present the evidence of the different positions adopted by my informants in dealing with their struggles.

The current chapter focuses on reviewing the definition of Shari‘ah and laws, the notion of sources, the scope of rulings, interpretation and the unique Islamic theoretical notion of minority jurisprudence for Muslims in the West by explaining the issues as reported by informants and comparing them with theoretical studies. My sources for this task, therefore, will be both primary and secondary. The chapter is expected to serve as the basis for the four chapters that will be examining the nuanced manner in which real everyday life issues are interpreted as a means of belonging.

5.2 Shari‘ah and Shari‘ah Laws

Shari‘ah is important for informants as it was pointed out in chapter Four. They are obliged to apply its rulings wherever they are whether they are in Islamic or secular countries. Shari‘ah, literally means a road or a path, often translated in literature as the ‘Islamic law’ or ‘the law’; however, jurists distinguish between Shari‘ah and Shari‘ah laws as illustrated in the Figure below.

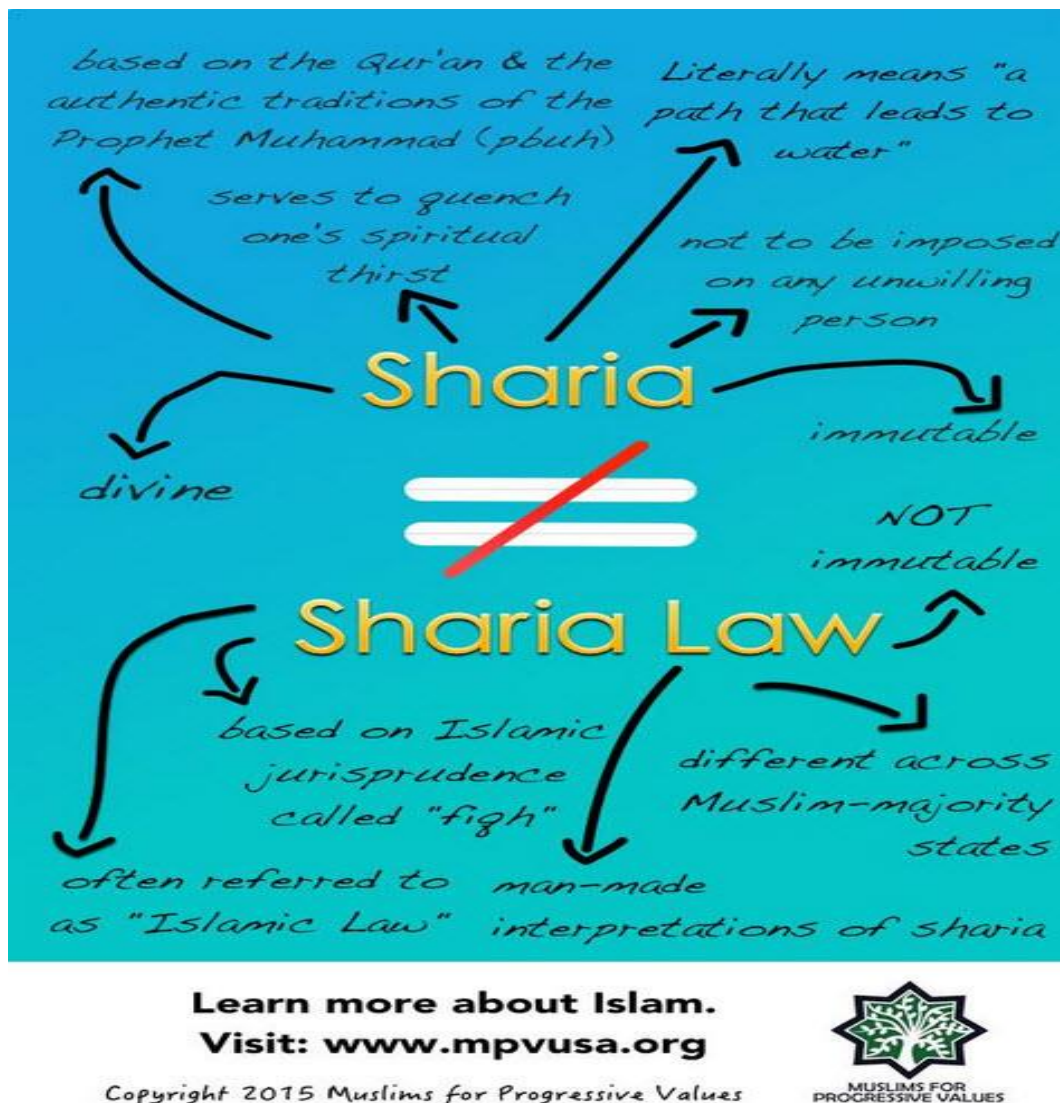


Figure 5.1 Shari'ah and Shari'ah Law
(Adapted from <http://www.mpvusa.org/sharia-law/>)

Scholars argue that Shari'ah is divine, but its interpretation is human, fallible, and inevitably plural. The primary text from where it arises is itself divine and immutable, however, it has to be interpreted by humans who may differ and develop varied positions depending on their school of *fiqh* (jurisprudence) (Qaradawi 2003a). Therefore, the human intellect plays a role in its development through the framework of independent reasoning (*ijtihad*), and other methods of reasoning such as analogy (*qiyas*), the agreement of jurists (*ijma*), juristic preference (*istihsan*) and the presumption of continuity (*istishab*). Surah 4: 58-59 justify the use of these principle sources and mechanisms by people who are in authority. Abdullah Badri reported:

Shari'ah is shown to consist of the Qur'an and the prophetic traditions as its main reference. Rulings of *fiqh* are thus deduced from those two referents of *Shari'ah*, while on the other hand the *qānūn* are written laws represent the adoption of certain rulings or legal

opinions (*fatāwā*) drawn from one or more classical schools of *fiqh*. *Urf* denotes customary practices approved by a community and constitutes an important topic within the sphere of *fiqh* as a source of legislation (Badri 2014:183).

Shari‘ah, then, is divine and assumed to be unchangeable. The interpretation of this divine law expressed through legal rulings has resulted in the emergence of Islamic Laws. The Shari‘ah Law, as such, is the norms of Shari‘ah categorized on the basis of *fiqh* or the jurisprudence of jurists. The minority jurisprudence (*fiqh al-Aqaliyyat*) belongs to this class of laws.

5.3 Sources and Scope

Shari‘ah is understood to be primarily based on the Qur’an and the prophetic traditions (Hadith and Sunnah). Both texts stated some legal rulings in order to provide guidance to Muslims with reference to many different aspects of private and collective life and also religious and day-to-day practical issues:

The Qur’an comprises about five hundred legal verses that explicitly set out legal ruling that need to be applied by all believers... the Prophetic traditions also comprises a number of legal provisions. Certain legal rulings... are definitive... Conversely, there exists a corpus of legal contents..., the application of which requires reasoning (Alwazna 2016:251-252).

Shari‘ah itself covers many branches¹ (*furu*) dealing with beliefs, deeds, morals, transactions and social etiquette. It encompasses not only the acts of worship and rituals (*ibadat wa tokos*), crimes and punishments (*garaimwaigab*) but also aspects of human interaction (*mu’amalat*). The scope of Shari‘ah is wider than the main objective of this research. My research concerns the branch of Shari‘ah that governs human interactions in dealing with day-to-day affairs such as food, drink, work, finances, family, and relationships with non-Muslims.

A local jurist told me:

The legal rulings contained in the Qur’an and prophetic traditions take different forms. Some were given as definitive commands setting limits that Muslims are advised not to transgress. (Surah 4:31 & 5:3 & 7:33) Surah 4: 31 particularly illustrates this category: “If you avoid the great sins which you are forbidden to do, We shall expiate from your small sins, and admit you to a Nobel Entrance i.e. Paradise (Informant 85).

Therefore, according to him, some of the Shari‘ah rulings are definitive commands. When I asked about the great sins, he explained: “The Qur’an speaks explicitly about great sins. The Sunnah clarifies what the great sins are”. He referred to:

The Prophet said: Avoid the seven great destructive sins. The People asked O Allah’s Messenger what are they? He said: To join partners in worship with Allah, to practice sorcery, to kill a person which Allah has forbidden except for a just cause, to eat up *Riba*

¹ Shari‘ah law classifies all actions into what the texts consider as permitted (*halal*) and forbidden (*haram*) or detestable (*makroh*) but the classification here is based on categories concerned with acts of worship and moral duties.

(usury), to eat up the property of an orphan, to show one's back to the enemy and fleeing from the battlefield in the time of battle, and to accuse chaste women who never even think of anything touching their chastity and are good believers (Sahih Al-Bukhari Vol. 8 Hadith 840).

In line with this, Al-Qaradawi, explained: "The lawgiver lays down the general principles in the Qur'an rather than frequently handling minor detailed issues. But the Sunnah deals with day-to-day...affairs" (Qaradawi 2003a: 9). Thus, for him, the Sunnah explains or expounds the Qur'an.

The first category of rulings was given as direct laws. A second category of rulings, as explained by al-Qaradawi, was given to answer questions the Muslim community asked of the Prophet. Surah 2:219-242 is an example when the believers asked the Prophet concerning some contemporary issues. One of the questions concerned wine and gambling (Surah 2:219): "They ask you (O Muhammad (*pbuh*) concerning alcoholic drink and gambling. Say: In them is a great sin, and (some) benefits for men, but the sin in them is greater than their benefits." The source of this second category of legal rulings was, therefore, also Allah who revealed these to the Prophet. It is recorded as such in the Qur'an (Al Qaradawi 2003a).

Another category of legal rulings came in a form of proscription or permission. An example is the one permitting the food of 'the People of the Book'. "This day [all] good foods have been made lawful, and the food of those who were given the Scripture is lawful for you and your food is lawful for them" (Surah 5:5). Regarding other legal rulings, the lawgiver simply did not give any instructions and left it to the personal reasoning of the believers. Al-Qaradawi explained, "What Allah has made lawful in His book is *halal* and what He has forbidden is *haram*, and that concerning which He is silent is allowed as His favour. So, accept from Allah His favour, for Allah is not forgetful of anything" (Qaradawi 1960, 2003:15).

Accordingly, Allah has made certain things lawful and certain other things forbidden whilst remaining silent concerning many other matters. His silence on matters is not a sign of forgetfulness but mercy. Jurists have developed tools to formulate and categorize these legal rulings.

5.4 *Ijtihad*

As mentioned above, the Qur'an and the Prophetic Traditions contain certain legal rulings, which are rather definitive and need to be applied as they are. They require no *ijtihad* or independent reasoning from jurists. The texts also contain some other legal

contents, the implementation of which demands independent reasoning of the jurists². According to al-Qaradawi, scholars generally agree on the definitive rulings that the texts clearly outlined. These textual rulings are to be free from attempts for independent reasoning. They represent non-amendable or fixed laws. *Ijtihad* can only be exercised on issues when there are different possibilities for interpretation. They are the laws that may change according to different situations and locations (Al-Qaradawi 1988:107). Al-Alawani outlines a methodology for the needs of such variations:

Applying one or another of the possible meanings in cases where a sentence may lend itself to two or more interpretations; Comparative *Qiyas*; which deals with a matter by comparing it with another, similar matter which is dealt with in the Qur'an or Sunnah; c *Ijtihad* by taking into account something which is potentially beneficial; or prohibiting something which could lead to wrongdoing; or deriving a particular ruling from general statements; or adopting a specific interpretation (Al-Alawani 1990: 10).

The jurists have developed some rules to guide the process of doing jurisprudence by recourse to its primary sources (*usul al fiqh*),³ the roots of jurisprudence. Traditionally, jurists have developed different schools of *fiqh* designated by the names of prominent founders.⁴ They fall into the territory of the four main Sunni schools of law: *Hanbali*, *Maliki*, *Shafi'i*, *Hanafi*; and/or a Shia school: *Ja'fari* (Motzki 2002). These four major schools and one *Shi'ite* school⁵ emerged in the second *hijrah* century (8th CE). The jurists' independent reasoning applied for the interpretations of the Qur'an and the Prophetic traditions led to the development of these schools of law in Islam. The founders used different methods of working with the primary texts. In reaching a verdict

² For the development of *fiqh*, Jurists used secondary sources: *Ijtihad* (personal effort) *Ijma'* (consensus) and *Qiyas* (analogy).

³*Usul al Fiqh* the bases or roots of Shari'ah deals with the sources or roots expounding the methods by which *fiqh* (jurisprudence) is derived. In this view, *usul* is the methodology and the *fiqh* is the product. Shari'ah interpretation is the task of Islamic jurists. Their views are based on *fiqh*. *Fiqh* is the science of the application of the Shari'ah that technically refers to the body of Islamic code of conduct extracted, systematized and implemented by the rulings and interpretations of jurists.

⁴The Hanafi School was named after its founder Abu Hanifa (d.767). Hanafi School is known for the use of analogy and juristic preferences to formulate a *fiqh* that broadens legal practices. The school compiled 60.000 Islamic regulations (*kitabul-ather*). The Malaki School was founded by Malik ibn Anas (d.795). He formulated his *fiqh* upon the practices of the Prophet and early followers in Medina. He utilized personal analogical deductions in some cases that were not found in Medina. He regarded public interest (*al-muslaha al- mursala*) and preference (*istihsan*) as important principals in juridical decisions. The Shafi'i school was named after Muhammad ibn Idris al-Shafi'i (d.820). The founder adopted the logic of Malik on the importance of the legal opinions taken in Medina and developed the process of analogy used by the Hanafi school to develop a more comprehensive jurisprudence. He was the first to write a book on the general principals of *fiqh* (*ar-risalah*). The Hanabli school was founded by Ahmed ibn Hanbal (d.855) When he found a text in the Qur'an which was applicable to a question, he adopted that text and did not consider any other view, not even a ruling by any companion of the Prophet. If he did not find the answer in the Qur'an, he studied the different views of the companions, he would choose the one that was more in line with the Qur'an. If he could not determine that, he would report their disagreement without favouring any view. He relied on personal reasoning less than another scholar.

⁵ Two main schools of *fiqh* that dominated the Shi'as are the Imami or Ithna Ashiri and the Zaydi (Hossini 2000:6).

pertaining to a specific issue, they firstly referred to the Qur'an for an answer. If it was not found in the Qur'an, then they referred to the traditions and then to independent reasoning. The different schools of *fiqh* developed set rules for the science of the application of Shari'ah in the daily life of Muslims. *Fiqh*, therefore, becomes the science of the application of Shari'ah in the daily life of Muslims. It presents a code of conduct derived and systematized by jurists using the mechanisms of human reasoning. Jurists regarded human reason practised by religious authorities as an equally decisive source in the process of the development of *fiqh*. It has been defined as "the aggregate, considered per se, of legal proofs and evidence that, when studied properly, will lead either to certain knowledge of a Shari'ah ruling or to at least a reasonable assumption concerning the same; the manner by which such proofs are adduced, and the status of the adducer" (Alawani 1990:4). (For further studies in the science of *usul al-fiqh* see Alawani 1990, Sennwthy 2003, Alwazna 2016).

Islamic Jurists have developed rules derived from the texts as the ones outlined above and divided these rules into specific branches (Khan: 2006). However, they do not always interpret Shari'ah in the same way. Thus, they do not always arrive at the same results or positions and frequently differ with each other on the specifics of the legal ruling supposedly derived from the primary textual sources. Alwazana expressed the reasoning for these differences:

This is owing to the fact that the law-giver has deliberately set out a number of legal rulings in these two revealed legal sources, and formulated them in such a way that makes them open to reasoning and juristic interpretation so that the law becomes legally valid on a permanent basis and is susceptible to development as new legal issues emerge (Alwazna 2016: 252).

The lawgiver, therefore, deliberately formulates them in a way to keep things open for independent reasoning. This explains the reality of diversity of positions and interpretations. Nevertheless, Muslims are obliged to apply Shari'ah wherever they are, but they need the jurists to interpret it. This task of interpretations is the responsibility of Islamic jurists. Thus, as permitted by the Law Giver, the different legal schools of *fiqh* are expected to lead to different approaches when dealing with the same legal issues. The different approaches to *fiqh* may not differ on issues of worship but adopt multiple positions in interpreting Shari'ah on issues of daily life. Kurzman cited Hassan Hanafi (Egypt, born 1935) saying:

There is no one interpretation of a text, but there are many interpretations given the difference interpretation of a text are essentially pluralistic. The text is only a vehicle for human interests and even passions. ... The conflict of interpretation is essentially a socio-political conflict, not a theoretical one. Theory indeed is only an epistemological cover-up. Each interpretation expresses the socio-political commitment of the interpreter (Kurzman 1998: 26).

Thus, the existence of different positions interpreting Shari‘ah in certain practical aspects is justified. In addition, many jurists, including al-Qaradawi, debate on which of the Islamic legal traditions continue and which ones need to change in Muslim majority and Muslim minority contexts. They argue that the legal rulings, which were articulated to respond to a particular condition in which early Muslims lived and to which the lawgiver reacted, could be changed when the conditions change. All schools had been developed in the context of Muslims who were in a majority. It was the non-Muslims who were referred to as minorities. Thus, if the context of Muslims changes (as for example, in Europe) Muslims are theoretically free to search for new interpretations to suit these conditions. Al-Qaradawi adds another rationale to the possibility of reinterpretation: “Some instances were based on a specific interest or a convention that has changed. Accordingly, they should be adapted to the new rationale... the ruling derived therefrom should be changed” (Qaradawi 2003a: 11).

Furthermore, it is important to note that Muslims in Europe come from different lands that adopt different schools of *fiqh*. Each land often follows one school but once in Europe, Muslims are advised not to limit their choices to a single school of *fiqh*. A *fatwa* issued by the ECFR to answer a question of a European Muslim asks: ‘Is it obligatory upon a Muslim to follow a particular *fiqh* school (*madhhab*) and to become *Hanafi*, *Shafi’i*, *Hanbali* or *Maliki*? If so, can one freely choose which school he or she wishes to follow? And what about a woman who is married to a man from a different school? Must she follow his school?’ The *fatwa* answers:

Following a particular Fiqh Mathab (the famous four or others) is not obligatory from the Shari’a point of view...If a Muslim lives in a country where all the scholars follow a particular Mathab, then it is permissible for him or her to follow the common Mathab of the country, as in this case, they would actually be following the Mathab of their scholars as described above....Each Muslim is free to choose any Mathab, which they are convinced is more solid, and it is not obligatory for a son to follow his father nor for a wife to follow her husband in this regard (ECFR session one 28-30 August 1997 *fatwa* 5).

In contrast with homelands, where one school of *fiqh* is often adopted by a whole land, Muslims in Europe, who are diverse even within one family, are not obliged to follow and adopt what suits their situations. To sum-up, there are different approaches to *fiqh*, varied positions in Shari‘ah interpretations and possibilities for reinterpretations and adaptations.

5.5 Multiple Positions

Different potential approaches to Shari‘ah interpretations have come to light. Some jurists adopt Shari‘ah uncritically, whereas others try to bring in contemporary issues in its fold and seek answers that harmonize both the principles of Shari‘ah, and the problem being faced. In a conference that was held in Brussels, it was reported that:

Contemporary Islamic thought has continued to follow other courses to a point where it has now become split into three trends: The modernist trend that uses a new type of approach... The second is the traditional trend that defends early readings of the religious text. The third is the justificatory trend, which extols Islam and criticizes Western modernity without presenting a new authentic and comprehensive reading of the text. These efforts, aimed at producing a firmly rooted alternative religious discourse, have so far been unsatisfactory (Lazhar: CILE third annual conference 2015).

Lazhar spoke about three trends of Islamic thought: the modernist that looks for new approaches reading the religious texts, the traditional trend that defends only the early readings and interpretations of the texts and a third that criticized any rulings inspired by Western modernity. In other words, Lazhar seemed to argue that the *Wassati* or centrist position and the position of those who criticize it as e.g. the *Salafists* were unsatisfactory alternatives.

Al-Qaradawi calls for a moderate or centrist approach (*Wasatiyya*) as Gräf has pointed out: “He [Qaradawi] could be associated with a phenomenon or a wing of *wasatiyya*” (Gräf 2009: 216). In order to help with this approach, al-Qaradawi developed thirty key principles and defended his approach against what he called two extremes (Qaradawi 2010). He defended his position and criticized them as extremes: i.e. one adopting frozen ideas from the history of Islam and the other based uncritically on importing ideas from modern Western civilization. Accordingly, most contemporary researchers fall into one of two groups. “The vision of one group has been blinded by the glamor of Western civilization...The other group is frozen in its fixed opinions” (Qaradawi 1999:3). He considered both as invalid sources, as he further explained:

I have endeavoured not to be in either of these two groups. I cannot compromise my religion by taking the West as my god.... At the same time, I cannot compromise my intellect by following one particular school of jurisprudence in all its judgements, whether right or wrong, suspending my own faculty of reasoning and discernment: A blind follower (Al-Qaradawi 1960, 2003:2-3).

It was in this context of polarity that Qaradawi formulated his *Wassati* or centrist approach. He dedicated three books in 1993 to criticize what he called the Liberals scholars’ ‘Imported Resolutions’. Consequently, according to al-Qaradawi, the approach that harks back to the past is subscribed to by the *Salafists* and those who uncritically import idea from the West were described by him as the Liberals. The

Wassati position stands between these two extremes. In the context of the West, the only valid approach was that of centrism or the middle way. Fares identified three trends. The literalists argue that Muslim minorities should disassociate themselves from non-Muslims and confine their loyalty to their fellow Muslims. The traditionalists maintain that Muslim minorities can live in non-Muslim lands but via exceptional rules and conditional fatwas. The renewal trend asserts the need for a new category of jurisprudence with a new methodological framework that normalizes and empowers Muslim minority life in non-Muslim society (Fares 2013).

According to Shavit (2012), there are two positions regarding interpretation to Islamic Law: the *Wassati* and *Salafi* approaches. He also only speaks of two approaches to *fiqh*, the *Wassati* and *Salafi* approaches (Shavit 2015). He uses the terms “*Salafi*” and “*Wasafi*” as descriptive definitions of these two approaches that he identified as socio-juristic in nature (Shavit 2012: 419) However, he neglected the Liberal approach to which Klausen reports:

Europe's Muslim leaders have embraced liberalism by engaging with the institutions of democracy. They invoke human rights to claim equality or they appeal to the principles of humanist universalism to argue for the equal worth of Christianity and Islam. Either way, they draw on varieties of liberalism. The common premise of Muslim leaders is that Islam is a minority religion in Europe, and that Muslims must find their place within the framework of liberal democracy (Klaussen 2007:210).

Kurzman has drawn attention:

There is a growing number of Muslims who share common concerns with Western Liberalism, one of which is peaceful multi-religious co-existence ‘Many Muslims adhere to principles which could be described collectively as “Liberal Islam.” This refers to interpretations of Islam that have a special concern regarding such issues as democracy, separating religion from political involvement, women's rights, freedom of thought, and promoting human progress (Kurzman 1999:11)

Kurzman explained that these growing numbers of Muslims who share collective concerns with Western Liberalism are not exactly alike. Liberals call for interpretations of Islam in line with Western values. They are not interested in developing any interpretation of Islamic laws in the European context to serve as a bridge between the society they are living in and the background they are coming from. Shari‘ah has become a less relevant element in the process of their integration in European societies. In this respect, Tibi insisted: “Liberal Muslims living in Europe – like myself – do not want to belong to a peripheral minority, but rather want to be members of the European polity itself with its respective rights and duties” (Tibi 2001: 205).

Liberal Muslims are fully aware of their Muslim background but, more importantly, they have a very strong commitment to European society. They look at the issue from different angles. Aras expects liberal Islam to become one of the main movements within Islam:

Liberal Islam is now silent, but with a likely mainstream development within the Islamic world in the near future, it may become one of the main movements within Islam. What constitutes liberal Islam is the evolution of a number of different factors that combined in a specific context and these factors, among others, are the socio-cultural structure of the regional societies, interpretation of Islamic teachings and daily practices of religious faith. In addition, a number of recent developments contributed to this trend: the rise of secular education, the increasing use of international communication and travel opportunities, and the failure of dogmatic interpretations of Islam. (Aras 2004:1034)

The position of the Salafists emulating the early ancestors, *al-salaf al-salif* (the pious predecessors), insists that there is a single Shari'ah interpretation regardless of the context and time. This position of the Salafists represents the ideology of those who invoke Shari'ah regardless of the demands of the context:

The salafi approach... is based on two principles... no adjustments should be made to religious laws, which must be strictly obeyed whatever the difficulties may be...The second principle is that Muslim minorities must not imitate infidels, embrace prohibited innovations that distract them from lawful ways, or associate with infidels in any way other than that which promotes the interests of Islam (Shavit 2012:431-432).

Khan argues that Islamic movements that are based on a literal reading of the Qur'an are on the rise in Europe and will become one of the inspirational forces for young European Muslims (Khan: 2015). On a related subject, Ali Sundas points at two ways of understanding religious identity in the context of the UK:

There existed some Liberal understandings of the Muslim identity where the respondents did not practice the religion and had readily integrated parts of British culture in their lives, which were incompatible with their Islamic values. Many more had a solid Muslim identity and gave it utmost importance in their lives seeing it spiritual and practical relevance in a balanced way (Ali Sundas 2013: 333).

She defines the two as: the secular or Liberal who imported ideas into Islam from the British culture and the ultra-orthodox Muslims (Ali Sundas 2013:235).

Hassan sheds more light on the aim of this radical voice: "It [the radical approach to Islam] aimed no longer at adapting to Western secular values and models, but at recovering religion...to return and to apply the comprehensive fundamentals of Islam [Islam in the time of the Prophet and the early ancestries] to both the private and public spheres of human life" (Hassan 2004:27). Other voices have emphasized the risk of radicalism evident in the traditionalizing trajectories one can see in Western Islam (Leiken: 2005 & Rubben: 2015). The two positions, Liberal and Salafi, are undoubtedly

on the rise in Europe. Between these two positions however, there is also the option for Muslims of *Wassati* moderation.

These three approaches to Shari‘ah interpretations I have just outlined from the existing theoretical works in the field have also been supported by my empirical study. However, an important clarification is required in the use of these three categories. They are used here for methodological purposes and not in the ideological sense as they have been used in the history of Islam. This clarification is important because it is likely that the respondents, who understand the meaning of Shari‘ah in a literal sense, may or may not be a Salafi in an ideological sense. The *Wassati* approach represents those who try to understand the texts and the context in which Muslims live. It considers what benefits the communities in the existing society. The Salafi approach, as noted, takes a fundamentalist stand emulating the early ancestors, *al-salaf a-salif*, the pious predecessors who favoured adopting a single Shari‘ah interpretation regardless of the time and the context. This approach, it is evident, is concerned more about the purity of Islam than what benefits the communities. The Liberals tend to think of religion as a private matter. They see no need for an Islamic state or for the implementation of Islamic law in day-to-day matters as long as there is no hindrance to the performance of religious duties.

The leading questions for my investigations with my 108 informants were: Are you aware of the different approaches to Shari‘ah? Should Shari‘ah be interpreted differently for Muslims who live in Europe because of their minority status? Or has it to be the same as in your countries of origin? What position do you adopt to resolve conflicts when they occur? As I suspected, the informants were aware of the different positions. I outline below the categories of their responses in Figure 5.2 concerning their view on Shari‘ah.

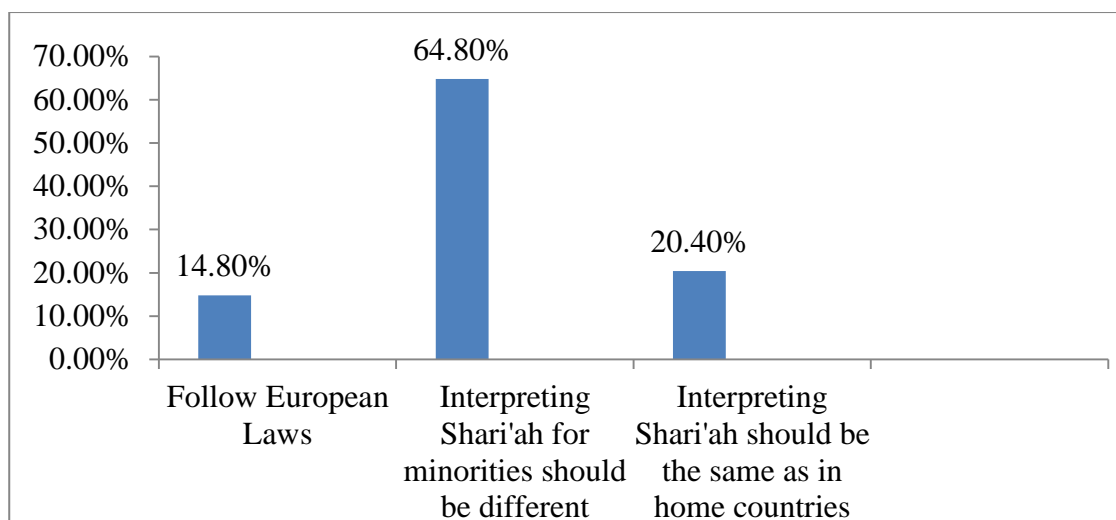


Figure 5.2 Positions on Shari'ah Interpretation

The majority voice 64.8% was of those who adopted the position that Shari'ah should be interpreted differently for Muslims in Europe than Muslims who are in majority Muslim states. This is the same as the Centrist or *Wassati* position theoretically argued by al-Alawani and al-Qaradawi. They were clearly also aware of the different approaches to Shari'ah. One of the informants indicated he was aware of the different interpretations of Shari'ah and had adopted the approach that might ease the conflicts Muslims faced in Europe. He said: "Shari'ah is meant to guide and should not burden Muslims" (Informant 21). Another said: "I apply the jurisprudence that suits the European context because it was suggested by the local *imam*" (Informant 10). 20.4% represented the second position representing those who insisted that interpreting Shari'ah should be the same regardless of the context. This aligns with the Salafi positions I have described above.

My informants were aware of the different positions interpreting Shari'ah but believed that the position they had adopted in the countries of their origin should not change in Europe. One insisted that "no adjustments are needed to Shari'ah rather the whole must be strictly observed" (Informant 9). Another said: "all Shari'ah ought to be applied regardless of the difficulties it may cause because of the laws of the land" (Informant 22).

Those who adopted the liberal position were happy to follow European laws rather than Shari'ah in civic life as long as the European laws did not hinder Muslims from performing their religious duties. They were about 14.8%. They were significant even if they were not in the majority. An informant said: 'Shari'ah should be viewed as defining Islamic ethics rather than setting laws' (Informant 12).

Another insisted: “the application of Islamic ethics and morals that are suggested by Shari‘ah is more important than the literal application of its laws regulating everyday life” (Informant 26). The voices of the informants show that the centrist position predominates. In addition, informants from different sub-categories reacted differently.

In relation to gender, the female 1st and 2nd generation came first on the scale of following the liberal position more than the male 1st and 2nd generation. In addition, the female second generation was more than the female first generation. On the contrary, the male 1st and 2nd generation came first on the scale of following the Salafi position. The male second generation was more than the male first generation. The findings demonstrate that the male second generation generally adopted the Salafi position while the female second generation adopted the liberal position. One leader suggested “The second generation has more interaction with their environment through media, education, and relations with non-Muslim mates” (Informant 87). Regarding the Wassati position with reference to generation, the findings demonstrated that the male 1st generation and 2nd generation came first on the scale at the rates indicated in table 5.1. The female 1st and 2nd generation were almost identical at 40 and 42%.

Sub- categories	Liberal Position (14.80%)	Wassati Position (64.80%)	Salafi Position (20.40%)
1 st Generation Males	45%	60%	65%
1 st Generation Females	55%	40%	35%
2 nd Generation Males	42%	58%	68%
2 nd Generation Females	58%	42%	32%

Table 5.1

Positions of Shari‘ah Interpretation in relation to Gender and Generation

In sum, comparing the three positions, the Wassati position appeared to be predominant. The comparison underlined that the female informants measured the highest among the liberals while the male second generation informants were the first in following the Salafi position. Their rates were even more than those who adopted the Wassati position.

5.6 The Emergence of *Fiqh al Aqaliyyat*

Both Qaradawi and Alawani are contemporary leading scholars who have been engaged in helping Muslims residing in Europe and North America. They aim to introduce a new *fiqh* for minorities developing arguments for their claims. Ismail acknowledged al-

Qaradawi as the founder of the priority jurisprudence: “Sheikh Yusuf al-Qaradawi, who was the first person to coin and popularize the term priority ... defined it as putting everything in its actual order and hierarchy with justice, whether relating to rules, values, or actions” (Ismail 2009: 60). Al-Alawani points out two main arguments in his writings for the necessity for a new *fiqh* for minorities (Alawani 2003: 10-26). The argument is also supported by al-Qaradawi: Firstly, an argument based on the texts (the Qur’an and the Prophetic Traditions). Qur’anic verses show that Allah does not want to place difficulties and hardships on humans (Surah 5:6 and 22:78). The Prophetic Traditions contain similar teachings. It reports the Prophet Mohammad saying: “Religion is very easy and whoever overburdens himself in his religion will not be able to continue in his way” (Sahih al-Bukhari vol. 1 hadith no 38, 1021). Furthermore, al-Qaradawi explains: “As far as basic creeds, morals, and ritual acts of worship are concerned, all prophets share one and the same message... The detailed laws of the prophets have differed according to the contents to their various times, places and circumstances” (Al-Qaradawi 2003, xii). Al-Alawani and al-Qaradawi argue for justifications based on the texts and on the argument that the message of the Prophets differs according to time, place, and circumstances of the recipients. Therefore, differences in time and contexts, they argue, should justify adjustments in some aspects of the Shari‘ah. In addition, Shari‘ah itself aims at human welfare rather than hardships. Al-Qaradawi purposely states, “In Islam the sphere of prohibited things is very small, while that of permissible things is extremely vast” (Al-Qaradawi 1960, 2006, 14).

Muslims who reside among non-Muslim majorities may succeed in separating from non-Muslims with respect to worship and moral conduct, but they will find it difficult to do so in other opinion-forming sectors such as politics, economics, media, and education. Faced with such challenges caused them to demand *fatwas* from their leaders to find simple solutions. These demands compelled jurists in the ECFR to rethink the sources of Islamic law in order to ease the life of minorities, particularly in the socio-political issues of daily life. According to Rafeek, Muslim communities in Britain are in need of a new *fiqh* and a Muslim minority law should be developed to preserve and protect religious and legal rights of Muslim communities in Britain. He insists that it is high time Muslim scholars in Britain engaged in this area of legal studies (Rafeek 2012: 10-22). Clearly therefore, this is an issue with a much wider impact and implications.

There is another reason that challenged the jurists to act. The majority of Islamic scholars, jurist consultants, and Muslim clerics working in Europe were trained in the

traditional schools of thought. They did not have a comprehensive cultural knowledge of the European communities and, therefore, their verdicts were often not compatible with the context in which Muslims live in Europe. Despite this, they were expected to play an important role among Muslims in Europe. Furthermore, al-Qaradawi stresses that Muslim communities in Europe are an integral and inseparable part of the whole Muslim nation as well as being a part of the indigenous non-Muslim communities. Thus, both aspects should be considered so that none of them is glossed over for purposes of observation and analysis. They needed a branch of *fiqh* to deal with their problems and answer their questions. Secondly, Muslims have a universal message to invite others to Islam (i.e. *Da'wah*), therefore, they should maintain an effective Islamic presence in the West (Qaradawi 2003:2-8). Parray pointed out principles and criteria that serve as the backdrop for its development:

Fiqh al-Aqaliyyat is based on two fundamental premises: the territorial principle of “*alamiyyat al-Islam*” (Islam as a global religion) and the juristic principle of “*masjid al-shar'ia*” (ruling according to the intentions of Islamic law). The former provides the rationale for permitting the very existence of permanent Muslim communities in non-Islamic lands whilst the latter enables the jurists of *fiqh al-aqaliyyat* to adapt the law to the necessities of Muslim communities in the West, which in practice means allowing legal leniencies so that these communities are able to develop (Parray 2012: 89-90).

According to al-Qaradawi, this complex existence in which Muslim minorities live creates a need for a *fiqh* that considers their situation and the circumstances in which they live. The necessity for developing something new was also expressed by Shavit:

For the past thirty years, some jurists have sought to define the identity and duties of these emigrants. Through new institutions dedicated to migration and, more recently, using the Internet and satellite television, they both publish literature dedicated to the subject and answer queries from Muslims in the West, a process that facilitates a centre-periphery relationship. Most influential among them is Yusuf al-Qaradawi (Shavit 2007: 14).

As a result, a few jurists became aware of the challenge and tried to develop a new approach of *fiqh*. Al-Alawani confirms: “Today a more logical and scientific approach is required, one that delves deeply into the background of both the query and the inquirer, as well as paying close attention to the underlying social factors that caused the question to be raised” (Al-Alawani 2003:4). This new reality has been admitted as well by al-Qaradawi as he reported: “New issues and problems have come to face Muslims in various [Western] countries as a result of the different environments in which they live” (Qaradawi 2003a: vii).

Al-Alawani and Al-Qaradawi became aware that challenges facing the Muslims in the West are broader than the confined traditional area of *fiqh*. They searched the rules of conduct embodied in Shari'ah and suggested a need for new *fiqh*. Alawani suggested that this new *fiqh* “calls for collective personal reasoning (*ijtihad*) that invites experts

from the various fields of social science to play a major part in formulating new ideas and developing new perceptions” (Alawani 2003: ix). Al-Qaradawi dedicated two books for the necessity of *ijtihad* (1996c, 1999) in the process of developing this new *fiqh*.⁶ They put more emphasis on the use of *ijtihad*, *ijma* and *qiyas* setting the argument for continuity of using them as tools. Unlike the *fiqh* based on the traditional schools of thought, those who are involved in creating a *fiqh* for minorities do not follow a single school of *fiqh* rather they search all schools of *fiqh* for evidence that serves as premises for their legal opinions. Parray pointed out: “He [Al-Alawani] explains that *fiqh al-Aqaliyyat* constitutes an autonomous jurisprudence, based on the principle of the relevance of the rule of *shar’ia* to the conditions and circumstances peculiar to a particular community and its place of residence” (Parray 2012: 100). Based on these principles, jurists practice their personal reasoning or *ijtihad* that seeks, in different schools of traditional *fiqh*, to bring about contemporary opinions is concerning current issues by using the process of analogy. The focus of this *ijtihad* is searching for examples from juristic heritage, which are closer to the status of the minorities so as to find a way of dealing with their current challenges. Al-Qaradawi called for the middle path that “does not neglect the glorious heritage produced by jurists.... On the other hand, it does not overlook our modern times.” (Qaradawi 2003a:7). Alawani has a similar view to consider the circumstances in which Muslims live (Alawani 2003) In this regard; *fiqh al-Aqaliyyat* represents a specific framework or perspective of the general *fiqh* that considers both the text and the context.

Al-Alawani reports that in order for Muslims to deal with the issues caused by the intense growth of population outside the historical boundaries of Islam, the broad meaning of *fiqh* must be used and a *fiqh* of relevance, which facilitates the link between Shari’ah, and the conditions of Muslims is required (Alawani: 2004: 8-9). Alawani views *fiqh al-Aqaliyyat* not only as a simple system for answering personal questions in jurisprudence, but also as a framework for political and social interaction between the majority and the minority populations in non-Muslim lands, as well as within the Muslim minority itself. He argues for ‘reintegrating’ the *fiqh* for the minority back into the mainstream of the traditional *fiqh* of the global Muslim population: “it is ought to come under the science of *fiqh* in its general sense ... it is not meant to give minorities

⁶A comprehensive study of this *fiqh* is beyond the scope of the current research. I approached *fiqh al-aqaliyyat* through the jurists and the social science angles. For the history, development and progress of *fiqh al-aqaliyyat*, see Saify 2004 and Hassan 2013.

privileges... it aims to project minorities as representative models or examples of Muslim society in the countries in which they live” (Alawani 2003:3).

According to al-Qaradawi, Shari‘ah alone is not enough and Muslims are in dire need of new branches of *fiqh* that is based on *ijtihad*. The role of religion should become an incentive and a guide rather than a chain or a fetter; to ease life instead of making it difficult to follow (Qaradawi 2003:3-8). He reports the following objectives for the need of a minority *fiqh*:

a. In order to provide adequate answers dealing with minorities’ problems in a non-Muslim community, modern *ijtihad* should be applied and not to force what has been issued for majorities. Eligible temporary jurists who are knowledgeable of the ‘text and context’ should be consulted.

b. *Fiqh* must help Muslim minorities lead a wholesome Islamic life and a life of respect for the countries in which they live, thus enhancing the propagation of Islam. It should result in enabling Muslim communities to contextualize and convey the Islamic message (*da‘wa*) to their fellow European citizens.

c. *Fiqh* ought to help maintain Islamic identity with its obligations, values, morals, manners, and common concepts yet, at the same time, allow the promotion of co-existence.

d. *Fiqh* should lead to enhancing disciplined flexibility in order to prevent the Muslim minorities from getting isolated and providing them with the best ideas to achieve open conservation and integration without assimilation.

e. It must aim to assist minorities in fulfilling obligations without being hindered by religious extravagance, negligence, and indulgence. It might contribute to the awakening and enabling minorities to maintain religious, cultural, social, economic rights without pressure or concessions (Qaradawi 2003:3-8).

Alawani too set the criteria for the formulation of a legal opinion for minorities (Alawani 2003:1-11):

I. Recognition of people’s requirements and necessities (*darurah*). This concept of necessity has been developed within traditional Islamic jurisprudence to facilitate and allow for actions, which are normally forbidden. Minorities in a similar situation should benefit from this principle.

II. *Fiqh* must adopt a methodology of *taysir* and the tendency to ease the life of minorities.

III. Acknowledging that classical jurisprudence has provided room for diversity. The differences in methodological approaches to Islamic law have led to differentiations

among the traditional schools of jurisprudence. The traditional jurists applied legal analogy (*qiyas*) to extend the application of the texts (the Qur'an and the Sunnah) to new cases. The *qiyas* technique, widely accepted by the schools of jurisprudence, requires the jurists to identify the efficient reason (*'illa*) of a specific statement in the texts, and to use this reason as a basis for extending the application.

IV. Recognition of people's benefit (*maslaha*): *Fiqh* must prioritize a methodology of *manfa'a* and *maslaha* (benefit or interest). In other words, there should be room for allowing a deed in the sense of it being beneficial. The *maslaha* must be compatible with the objectives of Islamic law; that is to be harmonious with the objectives of Islamic law. *Maslaha* must not be in conflict with the text of the Qur'an or Sunnah and *ijma* (the consensus or agreement of the Muslim scholars) or sound *qiyas* (deductive analogy). However, if any conflict occurs the principle of the lesser of two evils could be applied. That is, when faced with selecting from two immoral options, the one, which is least immoral, should be chosen.

Thus, the argument for a minority *fiqh* demands a deductive *qiyas* and selective *ijtihad* to search the different schools of jurisprudence and to choose that which is compatible with the immediate context of everyday living.

Al-Alawani and al-Qaradawi founded and defended *fiqh al-Aqaliyyat* but the debate is not settled. In general, critiques of *fiqh al-Aqaliyyat* concentrate on the fact that it would be unable to meet its desired objectives without a degree of openness to the influence of other disciplines and non-*fiqh* sources. In addition, it is not universally applicable as the traditional *fiqh* but rather deals with specific contexts and specific moral issues (Abou El Fadl 1994).

Saeed mentioned the challenge one faces in seeking to restore the use of *ijtihad* even as many others insist on 'closing the gates' of *Ijtihad* (Saeed 2007: 401-403). Tariq Ramadan, a prominent western Muslim scholar too, rejects the necessity of a minority *fiqh*:

For me it is not a question of relativizing the universal principles of Islam in order to give the impression that we are integrating ourselves into the rational order. In my view, the issue is to find out how the Islamic universal accepts and respects pluralism ...it is in the very name of the universality of my principles that my conscience is summoned to respect diversity and the relative, and that is why, even in the West (especially in the West), we have not to think of our presence in terms of "minority." What seems to be a given of our thinking: "the Muslim minority," "the law of minorities" (*fiqh al-Aqaliyyat*), must, I believe, be rethought....It is by acquiring the conviction that they can be faithful to their principles while being totally involved in the life of their society that Muslims will find the means to confront these difficulties and act to resolve them (Ramadan 2004:46).

Ramadan believes that Europe and the United States now constitute part of the Muslim world, and that it is indeed possible to live in the West according to traditional Islamic principles. He claims that “Minority *fiqh* can lead Muslims into traps of ‘minority thinking’ and may relinquish Muslim efforts to engage wholeheartedly with Western society” (Ramadan 2004:53). Like Ramadan, Mestiri believes that *fiqh al-aqaliyyat* “Is tied to an ‘immigrants mind’ and to the reduction of Islam to mere *fiqh*” (Mestiri 2016 :25-26) Despite these reservation, it is clear that minority *fiqh* continues to be a topic of interest both among Muslims and non-Muslims; it is also hoped by many to be a basis for new ideas on how Muslim minority groups could live in Europe without conflicts. The future of this discourse among Muslims in Europe seems dependent on this development in Islam because as Klausen points out: “The moderates are disadvantaged because they lack resources. The development trajectory of European Islam lacks coherence because very little Structure” (Klausen 2007:210); on the other hand, the Salafis are narrowly focussed on a more uniform system which could be alienating and often also conflict generating. The supposed middle position with all its weaknesses therefor offers some hope and a way forward for Muslim immigrants.

5.7 Conclusion

This chapter focused on the issue Shari‘ah that the analysis of the informants necessitated. The chapter demonstrated that from a juristic perspective there are multi-voices and positions on Shari‘ah and its interpretation. These voices, the chapter argued, generally fall within three approaches to Shari‘ah interpretations: the Salafi, the Wassati, and the Liberal. The evidence from the field showed that the Wassati position, representing the minority jurisprudence, was adopted by the majority at 64.80%. It, therefore, supports this claim as also the key theoretical sources including those of al-Alawani and al-Qaradawi. However, the chapter showed too that the Salafi position came second at 20.40%. Most importantly, the Liberals represent a significant minority. The Liberal position was followed by 14.80% of informants. Jurists belittled this position and called its followers as those borrowing ideas from the West. Females came first on the scale of those who follow the liberal position while the male second generations came first representing those who follow the Salafi position.

In addition, the study disclosed that the traditional schools of *fiqh* face challenges owing to the context in which they were developed. They have been developed in the context where Muslims were in a ruling majority while Muslims in Europe neither are in a ruling position nor are, they a majority in the society where they reside. The legal

pluralism inherited in Islamic jurisprudence helps al-Alawani and al-Qaradawi in their arguments for developing a *fiqh* for minorities but, at the same time, the chapter points out that the debate is not settled so leaving the door open. Thus, to sum up the discussion here: like other branches of *fiqh*, the *fiqh* of Muslim minorities refers to the two sources of Shari‘ah, namely, the Qur'an and the Prophetic traditions but with regard to the details, it refers to the universals of the Shari‘ah that permit removing hardship, applying the rulings of necessity, taking into consideration the change of place and of time, inclining to the lesser of two evils and the consideration of public interest. Other jurists who are in line with the view of al-Qaradawi and al-Alawani base their argument on the same fact that there is a part of Shari‘ah which is universal and that governs religion such as acts of worship and other religious practices. The other part of Shari‘ah, which governs moral conduct, social behaviour, and interactions with non-Muslims, could be contextualised. However, the debate is far from being settled and it leaves the door open for more studies in the future. In the following chapter, I will focus on a particular dynamic of Shari‘ah interpretations concerning dietary issues.

Chapter Six

The Dynamics of Shari‘ah Interpretations in Dietary Rules

6.1 Introduction

Chapter Five dealt with the idea of Shari‘ah and showed that even though the debate continues, there are multiple approaches to Shari‘ah interpretations. The evidence from the field as well as the secondary literature highlighted three particular positions on Shari‘ah interpretations: the Salafi, the Wassati, and the Liberal. The current chapter is dedicated to investigating the dynamics of Shari‘ah interpretations and their implications in the particular context of Belgium with reference to dietary practices. The primary sources for this task are the 108 informants, their personal experiences concerning what they deemed religiously prohibited, and how these practices became problematic due to their life in a non-Islamic milieu. The informants are also the sources of data on the resolutions they employed in seeking a balance between the religious teaching of Islam and their non-Islamic context. Chapter Six examines the religious rulings pertaining to dietary issues highlighted in different contextual locations and settings stressing the implications of the different positions the informants followed. It also attempts to compare the findings with the relevant theoretical studies. The sources for this task will be, therefore, both empirical and theoretical. Where necessary, the direct testimonies of the informants would also be complemented with the information gathered from personal observations and the focus group discussions.

6.2 Religious Rulings on Dietary Issues

Islam is not the only religion in Europe that has dietary norms¹. Many other religions seek similar expression in diet, and for them dietary practices reflect religious obligations. Consequently, people from different ethnic, tribal, and religious backgrounds are generally selective about food and drink. Muslims are no exception as their dietary practices reflect their cultural and religious preferences. The permissible and the forbidden are part of Shari‘ah ruling and so what is considered lawful or unlawful is deeply significant for their way of life even as Al-Qaradawi notes:

The Islamic view of the *halal* and the *haram* is very simple and clear. It is a part of that great trust which Allah offered ... This trust requires man to carry out the duties placed on him by Allah as His viceregent on earth and to assume accountability concerning them.

¹ Judaism and Hinduism for example have dietary rules.

This responsibility is the basis on which the human individual will be judged by Allah and given his reward or punishment (Al-Qaradawi 1960, 2003: 5-6).

Thus, *halal* (permitted) and *haram* (forbidden) constitute an important subject and, on this basis, people are judged. Consequently, my informants believed it is not for humans to decide what are *halal* and *haram*: “The only criterion to define them is the texts’ judgement as revealed by Allah (The Qur’an) and as practised by the Prophet (The Prophetic Traditions)” (reported by Informant 76). Al-Qaradawi referred to Surah 16:116 and Surah 10:59 as examples for this principle: “And do not say about what your tongues assert of untruth, this is lawful and this is unlawful, to invent falsehood about Allah. Indeed, those who invent falsehood about Allah will not succeed.” However, the issue is not as simple or clear as reported by al-Qaradawi. What is clear is that the notions of *halal* and *haram* are part of the total legal system of Shari‘ah and jurists often differ in their interpretations based on the text which itself makes exceptions as explained below.

In general, the Qur’an and the Prophetic Traditions, the two main sources of Shari‘ah, set some rules concerning the dietary practices. Many of my informants mentioned Surah.2:173 and 5:3 as key sources for them. Surah 2:173 speaks of what is forbidden with reference to animals:

He [Allah] has only forbidden to you dead animals, blood, the flesh of swine, and that which has been dedicated to other than Allah. But whoever is forced [by necessity], neither desiring [it] nor transgressing [its limit], there is no sin upon him. Indeed, Allah is Forgiving and Merciful.

The text considers *haram* dead animals, blood, the flesh of swine and any animal dedicated to anyone other than Allah while Surah 5:3 adds more details to it:

And [those animals] killed by strangling or by a violent blow or by a head-long fall or by the goring of horns, and those from which a wild animal has eaten, except what you [are able to] slaughter [before its death], and those which are sacrificed on stone altars, and [prohibited is] that you seek decision through divining arrows. ... But whoever is forced by severe hunger with no inclination to sin - then indeed, Allah is Forgiving and Merciful.

Although swine (pork) is the only animal mentioned specifically in the Qur’an as forbidden to eat, the text explains that other meats are conditionally *haram* as well. Among these conditions are animals that are slaughtered not according to Islamic rules. Dead animals or those killed because of falling, suffocation or those sacrificed to other deities are forbidden for consumption. The guide as set by the text is universal as the informants collectively reported.

Al-Qaradawi explained: “In the Shari‘ah of Islam the *haram* has universal applicability” (Qaradawi 1960, 2003:33). The Prophetic Traditions as reported in Sahih Al-Bukhari and Sahih Muslim, for example, contain reports about the practices of the

Prophet, particularly Sahih al-Bukhari book 70 on food, book 72 on slaughtering and hunting and book 74 on drinks and Sahih Muslim Book 19 on food and hunting and 21 on drinks. Consequently, whatever these texts report as things prohibited by God become binding for all Muslims regardless of the context in which they live. Muslims in Europe who want to become good followers must therefore also adhere to the standards set by the texts. However, it is in practice not that straightforward, as for example one of my informants (102) insisted that necessities dictate exceptions as indicated by Surah 6: 119,145 and 16:115:

And why should you not eat of that upon which the name of Allah has been mentioned while He has explained in detail to you what He has forbidden you, **excepting that to which you are compelled**. And indeed, do many lead [others] astray through their [own] inclinations without knowledge. Indeed, your Lord - He is most knowing of the transgressors' (Surah 6:119).

Say, "I do not find within that which was revealed to me [anything] forbidden to one who would eat it unless it be a dead animal or blood spilled out or the flesh of swine - for indeed, it is impure - or it be [that slaughtered in] disobedience, dedicated to other than Allah. **But whoever is forced [by necessity], neither desiring [it] nor transgressing [its limit], then indeed, your Lord is Forgiving and Merciful** (6:145).

He has only forbidden to you dead animals, blood, the flesh of swine, and that which has been dedicated to other than Allah. **But whoever is forced [by necessity], neither desiring [it] nor transgressing [its limit] - then indeed, Allah is Forgiving and Merciful.** (16:115) (Emphasis added).

The texts mainly prohibit four categories of flesh, but they do it with some exceptions. Accordingly, my informant explained, Muslims need the help of jurists to explain these exceptions. The first category is the flesh of swine, except in case of necessity; the second category concerns animals which are dedicated to other deities than Allah (except for the animals other than pigs) slaughtered by 'the people of the book'; the third category is the flesh of dead animals.

Surah 5:3 extends the list by providing detailed sub-categories of dead animals that Muslims should not eat of their flesh, except if it was possible the animal was slaughtered before its death; i.e. it was possible it was not dead before it was slaughtered. Necessity changes the forbidden to permissible. Informant 102 rationalized: "the texts might have clarified what is forbidden but we are not obliged to keep these rulings if facing starvation or death". Furthermore, informant 81 told me that the texts exempted the sea creatures: "Surah 5:96 indicates that fish and marine animals are treated differently and should not be considered as the dead animals once they are out of the water." He adds a text from the traditions: "Lawful to you is game from the sea and its food as provision for you and the travellers" (Sahih al-Bukhari 5492:12, 5493). In line with the report of informant 8, al-Qaradawi advised:

Those, which live in water and cannot survive outside it, are all halal. It does not matter in what way they are obtained: whether they are taken out of the water dead or alive, whole or in pieces, whether they are fish or marine animals, whether they are called sea dogs or sea hogs or whether they are caught by a Muslim or a non-Muslim (Al-Qaradawi 1960, 2003:52).

Here, the law has exempted fish, whales, and other sea creatures from the category of dead animals and from the obligations of *halal* slaughtering. In addition, the prohibition of dead animals is limited to the eating of its flesh, but it allows the making use of skin, bones, and hair. Al-Qaradawi based his argument for using the skin of dead animals on prophetic traditions:

The freed maid-servant of the Prophet's wife, Maymunah, was given a sheep, and it died. The Prophet (s.a.w.s.) passed by its carcass and said, 'Why did you not take its skin to be tanned and use it?' They replied, 'But it is deed.' The Prophet (s.a.w.s.) said, 'What is prohibited is eating it (Al-Qaradawi 1960, 2003:48, 49).

The Qur'an forbids the dead animals but the traditions (*Hadith*) have limited it to the eating of their flesh. The text permits a conditional use of dead animals' skin. The Prophet said that the way to purify the skin of a dead animal is to tan it (Sahih Al-Bukhari Vol. 7: Book 67 Number 440, Sahih Muslim Chapter 26 Book 3: 0704-0707) According to al-Qaradawi the traditions provided a solution by allowing use of parts of the dead animals.

The fourth category of the prohibited relates to blood. There are no exceptions but since it is almost impossible to separate the animals' flesh from the blood, jurists interpret the text to forbid only eating flowing or liquid blood (Al-Qaradawi 1960, 2003:44). The text mentions restrictions and exceptions. Moreover, the transformed blood is permitted according to some jurists:

When blood, used in some foods, is converted to another material it becomes Halal whereas if not converted and it preserves its structure it remains Haram. In this context ECFR stresses the conclusion issued in the 9th Medical Fiqh seminar of the Islamic organization for medical sciences held at Casablanca in June 1997 stating that the medical and dietary use of the biochemical ingredients extracted from impure or Haram materials, such as blood and drainage, not deemed as converted materials from an Islamic point of view, are impermissible such as sausages stuffed with blood, children's' foods stuffed with blood, etc. They are impure foods; whose consumption is impermissible since they contain unconverted blood (ECFR's resolution 3/23 issued in the 23rd ordinary session June 2013).

This principle that was set by the ECFR is very important. The implication is that the transformation has made the product different from the original and, as such, it becomes permissible.

Other than the rulings with reference to the four categories I discussed above, the flesh produced from permitted animals has to be slaughtered lawfully according to the rules set by the traditions as noted by informant 102: “The conditions of slaughtering in the Islamic manner were set in the traditions” (Sahih Muslim Book 22: Chapter 4:1226). He adds, “In order to be *halal*, the animal should be alive or deemed to be alive at the actual time of slaughter and the slaughter must be carried out in compliance with Shari‘ah” (Informant 102). Al-Qaradawi explains too that: Animals/birds must be slaughtered by the severance of neck arteries and jugular veins using a sharp knife. The slaughterer says *Bismillah, wa Allahu akbar* (In the name of Allah and Allah is Most Great) then cuts the throat and oesophagus of the animal letting the blood flow. After the blood has drained out, the head can be cut off. It is also Sunnah to have the animal’s head facing Mecca. In cases of hunting, the traditions do not require the cutting of the throat (Al-Qaradawi 1960, 2003:54-69).

The EU legislation on the killing of animals is different. It aims to minimize the pain and suffering of animals with properly approved stunning methods, so slaughter without stunning prescribed by religious rites has been debated in Belgium as also in other parts of EU (EU best-practices-slaughter-icf-report-2017). The ECFR has investigated the European slaughtering method in its First Session (28-30/08/ 1997: *Fatwa* 23). The *fatwa* explains the Islamic legitimacy of killing animals and birds and provides a hint to reconcile the Islamic traditions of slaughtering with that of Europe. The aim here was to reduce the suffering of animals. The resolution suggested:

Since no level of unconsciousness is included in the original procedures of the Islamic legitimacy of killing animals and birds, in the case where this is difficult to observe, animals and birds should not die as a result of causing a level of unconsciousness or because of stunning before they are subjected to Islamic legitimacy of killing (ECFR Session 23: 25– 28/06 / 2013).

However, the ECFR stressed its resolution 2 issued in the Third Session: “recommending Muslims residing in the West to have their own abattoirs to have peace of mind and preserve their religious and cultural identity”. At the same time, ECFR appealed to the West to recognise Muslims’ religious distinctiveness. Part of this recognition was to stress “that Muslims, just like others e.g. Jews, should have the right of practicing the Islamic legitimacy of killing birds and animals.” At the same time, the ECFR appealed to the Islamic countries “to import *halal* meat supervised by entrusted Islamic centres based in the West” (ECFR Twenty-Third Session: 25– 28/06 / 2013).

Muslim consumers in Europe are very particular about the products they consume or use. *Halal* slaughtering certificate and *halal* logos became very popular in Europe to assure them of their legitimacy. The ECFR has not, however, been able to settle the issue. Muslims are worried about whether the European authorities will ban the finer adjustments to animal slaughtering methods, as they are different from the EU regulations.

The Belgian Muslim Executive (BME), the official representative for Muslims in Belgium, expressed fear that Belgian authorities may totally ban the slaughtering in conformity with Islamic rules²:

Countries including Denmark, Switzerland and New Zealand already prohibit unstunned slaughter.... the Environment Committee of the Walloon Parliament [Belgium] has voted to prohibit unstunned slaughter with a proposed start date for the ban of 1 September 2019, a plan that has yet to be approved by Parliament in full plenary session (BME 9/5/2017).

Accordingly, all the above-mentioned regulations concerned the slaughtering and eating of the flesh. However, the issue is more complex than just the act of consuming the prohibited item. It has been extended to other uses and dealing in the prohibited goods. If something is prohibited, what leads to it is likewise prohibited [i.e. cultivating grapes and sale to factories that process grapes into wine]. Al-Qaradawi, points out, “Muslim jurists have established the criterion that whatever is conducive to or leads toward the *haram* is itself *haram*” (Al-Qaradawi 1960, 2003:28). According to him, “The sin of the *haram* is not limited only to the person who engages in it but extends to others who have supported him materially or morally or helped him to make the *haram* attractive each is held accountable according to his share” (Al-Qaradawi 1960, 2003:28, 29). Accordingly, the punishment for committing a *haram* act is not limited to the person who engages in it but extends to all who may support it. The *halal* standard is not just limited to the slaughtering or consuming process. What this means is that the entire food supply chain must follow the *halal* standard and it is not just about the act of slaughtering. The storage, preparation, and display are all included in the religious rulings. In all these stages, *halal* food should be separated from non-*halal* food and products. It covers the working environment, and equipment e.g. the use of the knives or chopping boards, preparation area and the equipment. The use of the equipment that been used to prepare the non-*halal*(s) would render *halal* meat and poultry as non-*halal* as Shafie emphasized:

² The Independent Monday 8 May 2017 at: <https://www.independent.co.uk/news/world/europe/belgian-region-walloon-bans-kosher-halal-meat-islam-jewish-a7723451.html>

Halal covers the aspects of slaughtering, storage, display, preparation, hygiene, and sanitation. It covers food as well as non-food category of products. Given the speed of trade globalization, the advancement in science and technology, and the on-going initiatives to simplify manufacturing processes, it is essential that the halal concept be fully understood by marketers (Shafie 2011:1).

Another issue in the *halal* industry is the emergence of Genetically Modified Organisms (GMO) where such products could have been mixed with non-*halal* derived genes. The issue is not settled (Moosa 2009, Marzuki 2012). The use of ingredients produced from prohibited animals is problematic:

Food additives such as gelatine, enzymes, emulsifiers, etc. (E code) can be derived from the source of animal or plants. The question is, if the source is from an animal origin, is the animal being slaughtered according to the Islamic Rites (*Zabiha*)? If it is not *Zabiha*, then the food containing these additives would be *Haram* too (Halal Expertise in Belgium: 2018).

Al-Qaradawi reported the debate in reference to the use of ingredients (Al-Qaradawi 1960, 2003:80-82). The issue is not limited to food but is extended to beauty products, sweets, toothpaste, and medicine. The debate is whether ingredients have to be produced only from animals not banned by Islam or produced from pork as well since the transformation makes the end product different than the elements that were used in the process.

In the context of ingredients processed from pork, the position of the ECFR was represented by *fatwa* 34 (First Session 28-30 August 1997). The ECFR issued the *fatwa* to answer the question: The ingredients of some foods contain items denoted by the letter “E” and a string of numbers, we were told that this denotes items manufactured from lard or pork bone and marrow. If this is true, what is the Shari‘ah ruling on such foods? The *fatwa* classified its position on the items that carry the letter “E”. Additives are more than 350 compounds and divided them into four groups according to their origin: First: compounds of artificial chemical origin. Second: compounds of vegetal origin. Third: compounds of animal origin. Fourth: compounds dissolved in alcohol. The ruling on all these compounds is that they do not affect the status of these foods being *halal*, due to the following reasons: The first and second groups are *halal* because they originate from a permissible origin and no harm comes from using these items; the third group is also *halal*, because the animal origin does not remain the same during the process of manufacturing. In fact, it is transformed radically from its original form to a new clean and pure form through a process called “chemical transformation”. This transformation also affects the legal ruling on such ingredients. Therefore, the original form was unclean or *haram*, but the chemical transformation changed it to another ingredient, which requires a new ruling. For instance, if alcohol was changed and was

transformed into vinegar, then it does not remain *haram* but carries a new ruling according to the nature of the new product, which is *halal*; as for the fourth group, these items are usually colourings and are normally used in extremely small quantities which dissolves in the final product form; this makes it permissible.

According to the ECFR position, any foods, drinks beauty products and medicines that contain any processed forbidden substances become permissible for Muslims' consumption because of the transformations that happened in the process.

The dietary matters extend further to clothing and equipment. "Clothing and equipment which are made from plants, fur/leather except from pigs and dogs, bones from animal sources which are *halal* ... animal skins which have been preserved by tanning except pig's and dog's skin, are all permitted to be used" (Wahba 2004:9). Likewise, informant 71 mentioned the use of dishes that non-Muslims had formerly used to cook pork or other unlawfully slaughtered meat as a matter of discussion. He explained, "The traditions suggest if a Muslim can get utensils other than those used to cook that which was prohibited, he should not eat out of them, but if a Muslim cannot get other than these dishes, he may wash them and eat out of them" (Informant 71). When I asked for the basis of his claim, the informant related the Traditions in support (Sahih al-Bukhari Volume 7 Book 67 Number 387, 396, 404). The traditions give a general prohibition for using such dishes if other dishes were available. Therefore, the stricter assumption in Islamic jurisprudence would be to even prohibit use of dishes belong to Christians or Jews. Informant 71 however, pointed to me a text against the stricter ruling, which indicates that, the food of the People of the Book as lawful to Muslims: "This day [all] good foods have been made lawful, and the food of those who were given the Scripture is lawful for you and your food is lawful for them" (Surah 5:5). He explained:

The text permits the food without placing any clear-cut restrictions or conditions on it, except for the assumption if it happens to be one of the aforementioned forbidden types of meat. Since the food is assumed to be prepared and served with dishes and utensils belong to the People of the Book, the issue of using their dishes becomes debatable. In addition, there were occasions when the Prophet himself ate from the food of the People of the Book as when he accepted the invitation of a Jewish woman (Informant 71).

He referred to (Sahih al-Bukhari vol.3 Book 47 Number 786) a *fatwa* based on another prophetic tradition that even allowed the use of vessels belonging to pagans if the necessity arose:

We would use these things and did not consider doing so to be objectionable. One of the strongest pieces of evidence supporting this view is the *hadith* related by Jābir who said: "We used to go on military expeditions with Allah's Messenger (peace be upon him) and acquire the dishes and drinking vessels of the pagans. (Musnad Ahmad (3/379, 327, 343,

This historical fact suggested that during military campaigns, Muslims used dishes and cookware of the pagans. Like food, drinks have similar regulations in Islam. The informants collectively referred to Surah 2:219 and 5:90-91. They were well aware of references to wine and intoxicants:

They ask you [The Prophet] about wine and gambling. Say, "In them is great sin and [yet, some] benefit for people. But their sin is greater than their benefit. (Surah 2:219).

You who have believed, indeed, intoxicants, gambling, [sacrificing on] stone alters [to other than Allah], and divining arrows are but defilement from the work of Satan, so avoid it that you may be successful (Surah 5:90-91).

The first text came as an answer to the believers who asked the Prophet. It forbids the use of wine alongside gambling. The second text mentions intoxications however as the same Arabic word *الخمر* *al-khamr* was used in both texts. The texts banned wine as well as any alcoholic drinks that cause intoxication. It is significant that the texts presented wine alongside other prohibited actions as tools used by Satan to sow enmity, hatred and to hinder Muslims from prayers and the remembrance of Allah. Informant 7 told me: "The divine order as mentioned in the Qur'an prohibited alcoholic drinks and the traditions classified and forbade them regardless of the substances used in their production" (Informant 7). When I asked what substances, he mentioned grapes, dates, wheat, barley and honey as the Traditions named them (Sahih Muslim Vol. 7, Book 69: 493). Informant 53 added, "The Prophet also banned the use of containers that were used to prepare wine." He referred to Sahih Al-Bukhari volume 1, Book 3, Number 87 when some Muslims asked the Prophet concerning the use of containers, he forbade them four things, namely *ad-dubba'*, *hantam*, *muzaffat* (and) *an naqir* or *muqaiyar* (These were the names of pots in which alcoholic drinks used to be prepared)" (Informant 53).

Al-Qaradawi added that the traditions did not stop with the prohibition of drinking but also covered the processing and trading of alcoholic drinks that were banned as well. The Prophet cursed not only the one who drinks alcoholic drinks but also the one who produces or serves them and the one to whom they are served and the one to whom the cost is paid. Correspondingly, Muslims are generally not allowed to offer alcoholic drinks as gifts (Al-Qaradawi 1960, 2003:69-74). The Traditions even banned the use of alcohol for medical purposes. Al-Qaradawi reported the Prophet referring to the possibility of using alcohol as a medicine: "It is not a medicine but diseases ... do not use anything *haram* as medicine" (Al-Qaradawi 1960, 2003:75).

However, in a different context al-Qaradawi mentioned that conditional necessities could allow the use of alcohol in medicine.³

In addition, a Muslim leader made me aware that the use of recycled water in Europe has been a subject of consideration. He informed me that he was delegated to visit a company for water recycling to report whether the use of the recycled water was permissible especially for the ceremonial washing. He told me “the recycled water was permissible as the final product did not contain any component such as the smell or taste that makes the use forbidden” (Informant 85). Other jurists have commented on the issue as well:

Briefly, I can say that the basic rule of the Shari‘ah about water is that by nature it is pure as long as its taste, color and smell have not changed. Nature also recycles itself. Allah has put some laws in nature by which it restores itself. Some recycling methods are very much like natural methods, but in a faster way. If a recycling method restores the taste, color and smell of some unclean water to its original level, then it will become pure. It can be then used for washing clothes, for making ablution and even for drinking purposes, if it is good for health. We must keep in mind that sometimes water looks like water, tastes and smells like water, but it could be very unhealthy and even deadly. Such water must not be used, not because it is impure but because it is unhealthy and dangerous (Islam on line).

As was mentioned above, my research participants were all well aware of these Islamic rulings concerned with dietary practices and this was evident both in group contexts⁴ and in contexts when interviewing them individually and individually reporting their voices.

6.3 Challenges

The fulfilment of any religious demand such as those discussed above do not only limit what to eat or drink but also their choices of clothes, beauty products and medical treatment. It can also limit their access to jobs, educational institutions and reduce their social interaction with non-Muslims. My informants reported challenges stemming from such standard dietary rulings. The majority of 79.62 % (86/108) of informants experienced in one way or another, challenges concerning dietary practices. They concerned jobs, educational institutions, interactions with non-Muslims and crisis circumstances. Males and females all shared their experiences from across these contexts. Males came first on the scale. Females who reported their experiences were 56.52% (13/23) while the males who reported their experiences were 85.88% (73/ 85) indicating that the issue was more problematic for male informants than female informants in the Belgian context.

³ I will further study these conditions of using alcohol and other prohibited items as medicine in the section dealing with Crisis Circumstances.

⁴ As in the case of students in a cookery school.

Regarding the generation differences, from the male category, 80.76% from the first generation (42/52) and 93.93% from the second generation (31/33) reported the issue as problematic while females from the first generation were at 55.55% (5/ 9); and 57.14% females came from the second generation (8/14). The ratio of reported conflicts by males was far higher than the females. The highest ratio came from the male second generation. While among the second-generation females, the ratio was higher than among the first generation. The second generation from both the female and male categories reported higher ratio of challenges with reference to dietary practices. These findings potentially call into question the validity of the claims that the Muslim second generation faces relatively less conflicts living in Europe than the first generation. Fleischmann reports:

Being born and raised in their parents' destination country, the second generation does not face the same problems of convertibility of resources and should in principle have equal opportunities in terms of parity with children of native origin with a similar social background (Fleischmann, 2011:4).

Sundas Ali explains:

I find there to be differences among generations in their levels of belonging. Muslims who migrated at a younger age feel more British than those who migrated in an older age. And there is also an important 'born in Britain' effect. Having British citizenship and being fluent at the English language are found to have a positive impact (Sundas Ali, 2013: 352).

According to Sundas, the younger generation is usually able to adapt and belong more easily than do the elders. Rafeek affirms:

A considerable proportion of second and third generations of Muslim migrants have largely been challenging, if not rebellious, towards not only the culturally nurtured life style of their parents but also their way of thinking on matters largely pertaining to the life pattern these younger generations aspired to live in Britain (Rafeek 2012:174).

Empirical findings demonstrated a higher ratio of challenges across generations. Many of informants work or study in conditions which their faith forbids where they were obliged to handle religiously prohibited food and drinks. Consuming sweets or medicines and ingredients produced from non-*halal* animals were understandably problematic for some and many even questioned the possibility of eating *halal* food that was cooked or served in dishes used for non-*halal* food. However, there was diversity of positions on such issues. I have divided their issues into the following sub-categories.

6.3.1 Mainstream Jobs

Muslims in Europe, in their search for jobs, sometimes are obliged to accept jobs that the market offers even those that require them to deal with the prohibited items. One of the examples came from an informant who was obliged to work as a cook in a hotel

(Informant 108). He told me that his chef requires him to prepare and serve all kinds of food and drinks. He asked the local *imam* of the Shi'a mosque he attended who advised my informant to check the internet for a resolution. The informant told me "When I inquired, I found different positions." He explains: "I found an answer in the internet to a seeker who asks: "is it permissible for Muslim till operators to process pork, alcohol and other *haram* products and the remuneration so earned is lawful? The answer was "If you have to in order to support yourself, though, then that's what you're going to have to do, and you should try to just do the job as presented" (Unknown *imam*). He added: "Another answer was given to a seeker who inquires: "Should I cook pork if my profession demands it? The answer was "If you can avoid taking a job in a restaurant where such is required, you should" (*Fatwa* 12/13334/ 18 November 2009/). The answer was different. It advises the seeker to avoid the job to cook pork if possible. He informed me about two texts.⁵ My informant finally followed a *fatwa* given to a friend by a local *imam*:

Eating pork is *Haram* in Islam. It is also forbidden to sell it, it is also forbidden to serve it to other Muslims. If you are not technically selling or serving it but just preparing there is no specific rule against it' (*Local imam* Informant 108).

When I asked the informant, his personal view was:

I was confused and hesitated to accept the job but when I found other Muslim co-workers in the hotel who assured me that when they checked the internet, they found more *fatwas* to justify their actions for necessity they decided to accept the job and ignore the *fatwas* that forbid their action. Then; I accepted the job (Informant 108).

This informant and his co-workers found contradictory *fatwas* based on different positions. The *fatwa* that permitted taking the job in case of necessity represents the Wassati position. In general, this position gives more access to the jobs the market offers.

Another was also a cook. He was not working because he did not find a job dealing only in *halal* food and drinks. When I told him that Muslims who accepted what the market offers because of necessities, he answered "to work in hotels cooking all kinds of food is forbidden even if I prepare the food for non-Muslims" affirming that "A

⁵ He handed me a text in French: Essayer de chercher un autre travail [Try to look for another job] and another in Arabic:

الواجب على المسلم أن يتحرى في كسبه الحلال لأنه مسؤول عن ذلك يوم القيامة؛ الأحوط في حقه أن يترك العمل ويبحث عن عمل آخر لا شبهة فيه، وذلك لأن المرتب الذي يتقاضاه فيه نسبة من ذلك المال الحرام المأخوذ ثمناً للخمر والخنزير، فهذا لا شك في حرمة الله أعلم [A Muslim should earn his living from legal *halal* means. A Muslim should leave the job and look for another if the salary he receives is from selling pork and alcohol. This is surely forbidden, and he will be responsible for his action on the Day of Judgement.]

trade that is forbidden between two Muslims, should be forbidden between a Muslim and a non-Muslim as well' (Informant 74). This informant referred to a *fatwa*:

It is forbidden for a Muslim to eat, use or sells products of pig whatever country he is in. The rule of "*Haraam* (legally forbidden by Islamic law) is *haraam* everywhere" is an important principle in Islam. Therefore, Muslims should provide their needs from *halaal* (permissible in Islam) means. *Halaal* means is enough for needs and pleasure, no need to go *haraam* (He obtained it from Questions on Islam.com).

He informed me of his view: "Muslims are not only responsible for applying Islamic morals and laws but also they should not use any forbidden means to provide for their daily needs regardless to the context in which they live" (Informant 74). His view reflects a Salafi position. It limits the access of my informant to a job that the market offers.

Another informant used to work in a slaughtering house for pigs. He told me "I had to accept what the market offered". In addition, he justified his choice saying: "I found myself in exactly the same circumstances as my job in Morocco the only difference was that my job in Morocco was for a French company and here it is a Belgian company" (Informant 23). When I asked if such a job was not forbidden in Morocco, he answered: "I accepted the job after my local *imam* there permitted me to accept it". He added: "That is why I did not bother myself to seek further justifications for my job in Belgium" (Informant 23).

Informant 107 owns a restaurant offering all kinds of food and drinks. I asked about his view about Muslims who work in mainstream jobs dealing in all kind of food and drinks: "Our religious responsibilities are to fulfil religious duties such as the daily prayers. Other moral obligations such as accepting jobs that the market offers should depend on personal judgment" (Informant 107). He made a distinction between the religious duties, which are obligatory for all Muslims, and what he called 'other moral obligations', which depend on personal judgement. His view was similar to that of the Liberals. The position he follows facilitates his work.

In a different context, in Zaventem, Belgium, I interacted with young Arabs who helped in preparing and serving all kind of food and drinks in a fast food restaurant. I noticed that the majority were Muslim students who said: "We work serving these food and drinks to be able to pay for our studies" (IKEA Sat. 5/11/2016). When I asked them whether their deeds are religiously justified since they deal in all kinds of food and drinks, they answered: "We need to pay for studies, and we are careful not to eat or drink from what is religiously forbidden." They accepted the student jobs that the

market offers so they can pay for studies. Their religious responsibility was limited to what they consume. Their view belongs to the Wassati position.

Informant (31) was another example of a Muslim who accepted to work in a supermarket trading in alcohol and other prohibited substances. When I spoke with him, he got around the prohibitions saying: “Muslims and non-Muslims are aware of what they buy and should be free in their choices.” When I asked his view on those who refused to accept similar jobs because of their religious convictions he answered: “If they are not comfortable to accept working in European super markets, they should find jobs that fit their choices” (Informant 31).

The above stories illustrate the positions the informants adopted. Their resolutions that were presented above could be divided into three categories: some follow a resolution in case a necessity occurs, then the forbidden becomes permissible. The implication is that they accept jobs the market offers, while others follow a resolution that insists that Muslims should unconditionally refrain from dealing in what is *haram*. The implication is that their access to jobs was limited. A third position deals differently with religious rulings. They drew a line between what obligatory duties that all Muslims are to fulfil and what they call ‘moral obligations’ that depend on personal judgements. Those who unconditionally forbid dealing in all kinds of food and drinks belong to the Salafi position. Those who referred to personal judgement in a context where there is different religious interpretation available, belonged to the Liberal position.

In my search, I became aware that some contemporary jurists who issue *fatwas* for Muslims living in a non-Muslim country went a step further and based their judgements largely on early jurists:

Imam Azam Abu Hanifa and Imam Muhammad states that it is ok for a Muslim living in a non-Muslim country to get interest from non-Muslims, to sell drink and pork to non-Muslims and even to gamble with them if it is certain to win; since these acts are legal for the non-Muslims, and Muslims’ benefiting from these acts can be considered as some kind of *ganimah* (treasure won in war). But according to Imam Shafi, Imam Malik, Imam Ahmad Ibn Hanbal, Awzai, Ishaq, and many scholars from Hanifi school including Abu Yusuf, these kind of acts are not permissible in any way because Muslims are bound to Islamic rules not only in Muslim countries but everywhere! (questionsonislam .com: 19/03/2009: Questions on Islam Subject Categories: Halals – Harams FAQ in the category of Halals - Harams).

In the context of Europe, a dietary case came from the ECFR. It concerned a Muslim who worked for McDonalds. He addressed the following question to the ECFR:

I am a Muslim who works for McDonalds. As everyone knows, this fast-food chain sells pork amongst its various other foods. It is immensely difficult for me to leave this job and find another, especially since I have a wife who is about to give birth. Does Islam oblige me to leave this work and search for another?

The ECFR answer was presented in the following *fatwa*:

Allah (swt) forbids the consumption of pork by virtue of clear and unquestionable verses in the Holy Qur'an. The Sunna clearly outlaws the sale of pork, according to the *Hadith* narrated by Jaber ibni Abdillah (ra), that he heard the Messenger of Allah (ppbuh) in the Year of Victory when he was in Makka, saying: "Allah and His Messenger forbid the sale of alcohol, dead carcasses, pork and idols"(Agreed upon, narrated by Al-Bukhari (No.2121) and Muslim (No.1581).. Therefore, the work that you are performing is associated with the sale of pork and is thus forbidden as clearly stated in the previous *Hadith*. Hence, it is upon you to try your best to find an alternative means of making a living. If you fail in doing so, then you may ask your managers at McDonalds to excuse you from selling pork, or you may co-ordinate with another worker so that you may work at other matters which do not involve selling pork. However, if you find difficulty in doing so, or if you realise that this may affect your work at this food vendor, **then you may continue to work if you do not have another sufficient source of income.** [emphasis is mine] You must, in any case, remain in pursuit of another job which does not involve dealing in any *Haram* (ECFR First Session 29-30 March 1997 *fatwano*.14).

This is an example of a 'European *fatwa*' that attempts to adopt a Shari'ah interpretation model to provide a balance between 'necessity' and 'obligation'. It illustrates the Wassati position of the ECFR where the principle of necessity led to a Shari'ah interpretation model seeking to provide a balance between 'necessity' and 'obligation'. Those who work in mainstream jobs and adopt a middle position can obtain *fatwas* from the ECFR or from the internet to help them to balance their religious obligations and the practical challenges they face in workplaces. An *imam* in Belgium told me: "we direct seekers in Belgium to the ECFR and help them to find relevant *fatwas*" (Informant: 85). The middle creative interpretations of Shari'ah justified the choices for jobs that require the handling of what would otherwise be deemed prohibited. Consequently, the middle (64.80%) and the Liberal (14.80%) positions enhance the opportunities for Muslims to find jobs. It encourages their engagement in the wider society. The Salafī position (20.40%) limits their choices.

Eating pork or drinking alcohol is clearly forbidden in Islam. Nonetheless, some questions emerged: is it permissible, in case of necessity, for Muslims to take jobs or to own businesses dealing in products that were prohibited for Muslims while non-Muslims do not consider them prohibited? I asked 42 informants, who themselves do not work in or own a business dealing in the prohibited, about their opinion in accepting jobs the market offers; the majority 74% (31 of 42) agreed that Muslims would accept any job the market offered if there was no alternative. In addition, 16 % (5 of the 31) said it would be also allowed to own a business dealing in what was supposed to be prohibited if it enhances their situations. It was not a majority position similar to the case of mainstream jobs but it represented a significant minority. The result does not only confirm the empirical data (79.60%) but also demonstrates that the Salafi position is not dominant in Belgium.

6.3.2 Self-Employment

The informants who came from the workplace were 63 in total. Thirty-six were self-employed workers and 27 worked in mainstream jobs. The self-employed represented the majority in the workplace. Many have chosen to own fast food restaurants dealing only in *halal* food and drinks. Three sell construction materials. However, five chose to work in what was supposed to be prohibited. Four of them have chosen to work in restaurants handling prohibited food and drinks. One of them cooks only *halal* food but offered alcoholic drinks on his menus. One owns a jewellery business including crosses. Those who worked in contexts involving the prohibited substances were a significant minority of 14%. They were self-conscious about both their religious identity and the necessary adjustments due to demands of the wider society. The first example of this sub-category came from a first generation Tunisian Sunni who owns a restaurant serving prohibited food and drinks (Informant 104). He justified his action by telling me: “many who work in restaurants especially in the city centre do the same and, therefore, my choice was not exceptional”. When probed further he said: “I subscribe to a *fatwa* transmitted by my local *imam* [his name was not mentioned]. If one is faced with a necessity and considers a choice that serves his future and that of his family then the forbidden may be justified” (Informant 104). It was a general *fatwa* but my informant found it applicable to his situation. He added, “My work does not hinder me from observing my religious duties; I pray regularly and observe the other duties. I do not eat or drink what is forbidden”. Thus for him, his choice was not exceptional. He justified his decision as to provide for his family and the *fatwa* provided a creative solution to his religious dilemma.

A second example came from a second generation Moroccan Sunni. He owns a fish restaurant in the city centre. Cooking and serving fish were not forbidden, however, he included alcohol in his menus. He said, “The majority of customers are non-Muslims and ask for alcohol. I serve alcohol to keep my non-Muslim customers. I need to provide for my family and to pay off the loan I took to start this business. I do not drink alcohol myself” (Informants 105). When I asked if he has any religious justifications, he answered, “some friends whose situation is similar to mine subscribe to a *fatwa* I follow [He does not remember the source but remember the content of the *fatwa*], “In situations when necessities occur or when it is not possible to change the circumstances then the prohibited may be allowed till the circumstances change”. In his case, if the customers stopped asking for wine he would remove it from the menu. So, his approach was to hear from friends in similar circumstances like his and make his own decision

until the circumstances of his work changed. Besides, he was happy to inform me: “I employ other Muslims who work to provide for their families in addition my work puts me in contact with many non-Muslims who consider me to be a moderate Muslim. Thus, I think in so doing I serve Islam as well” (Informant 105).

A third informant was a second generation Sunni from Turkey (Informant 106). He served all kinds of fast food and drinks. He said, “In Turkey it is not forbidden to work in similar conditions.” When I noticed that he employed Muslims and non-Muslims I asked why he did not let non-Muslim employees prepare and serve the prohibited items. His answer was “It is not practical, the preparation and the serving are done by Muslim and non-Muslim workers” (Informant 106). He added, “We [all workers] work to feed our families and we respect the choices of Muslims and non-Muslims in eating and drinking what they want. In addition, all *halal* foods and drinks are kept separated from other kinds of food and drink” (Informant 106). The argument of this informant was based on practical needs, that of necessity to feed ‘their families’ He also told me that those who work in similar conditions in his homeland [Turkey] subscribe to *fatwas* justifying their choices (Informant 106).

Another was a second generation Sunni from Turkey (Informant 107). His customers were mainly students. He served all kinds of food. When I asked why he includes prohibited food in his menu he replied, “The students are not of one group [religion]. They come together and I have to serve what they prefer” (Informant 107). When I asked if he might serve prohibited food or drinks to Muslim students if they ask, he answered, “Everyone should be free to choose. I do not force them and I do not need any justification for my act. People are aware of the consequences of their choices” (Informant 107). Those who chose to own business dealing in what was supposed to be prohibited is a significant minority 14% (5 of 36). However, we know from a quotation below that al-Qaradawi said it was not allowed:

Trading in goods, which are normally used for committing sin, is haram. Examples of such things are swine, intoxicants, and other prohibited foods in general, as well as idols, crosses, statues, and the like. Permitting the sale or trade of such articles implies promoting and propagating them among people, and consequently encouraging them to do what is haram, while prohibiting their sale implies suppressing and ignoring them by preventing people from coming into contact with them (Al-Qaradawi 1960, 2003:253).

Al-Qaradawi based his argument on Islamic rulings without any consideration of the context in which self-employees work in Europe. He simply applied a principle of not promoting or encouraging people (Muslims and non-Muslims) to deal with what is *haram*.

This closed the door for any for any resolutions for the self-employed who may consider establishing businesses dealing with the prohibited things. However, this position was against his claims for adopting a middle position. Most Muslims in Europe will simply not be able to follow this ruling as required by al-Qaradawi as this is not realistic. Evidence from the field suggests that this juristic view is largely academic. The five participants (14% of the 36 self-employees) whose testimonies I reported above affirm my claim as well as the 16% of the 42 informants who reported exceptions were fine if it was necessary to diverge from a standard ruling, even if it came from al-Qaradawi.

A similar case was about a self-employed man searching for resolutions from the ECFR. Jurists discussed his case in the Second Session, 9-11 October 1998) I list this case as an example of a European ‘self-employed’ person. The question was:

A Muslim has recently opened a restaurant in this country and requests ECFR to know the following: - He noticed that his restaurant had a low turnover due to the fact that he does not sell alcohol. Is it permissible for him to sell these forbidden drinks and then donate its entire revenue? - Some customers ask to hire his restaurant to hold parties. The customers then bring their own alcoholic drinks to the party. They do not use any equipment of the restaurant and the owner does not participate in the party. Is this permissible? - We heard of a type of Beer, which does not contain any alcohol and is sold in some Islamic countries. Are we allowed to buy these drinks? Is it permissible to sell these drinks in this restaurant?

The ECFR gives the following response:

Selling alcohol, as well as any other outlawed food or drink, is totally forbidden, even if the merchant refrained from benefiting from their revenue or gave it in donation. One must always fear Allah (swt) in his work and the manner in which he makes his living. Allah (swt) stated in the Holy Quran: "And for those who fear God, He (ever) prepares a way out. And He provides for him from sources he never could imagine" (65:2-3). One must also firmly believe that *halal* income is blessed, even if small in amount and *Haram* is cursed. Whoever gains in *haram* lives in constant sin unless Allah (swt) chooses to forgive him. There is no objection to hiring your premises as described in the question, as the owner is not responsible for the actions of those who are holding the party. As long as the contract of hire or lease does not involve any *haram* in itself, it is not the responsibility of the owner to bear the burden of what the hirer does. All drinks that do not intoxicate are *halal*. Therefore, since the drink described in the question does not intoxicate then it is deemed *halal*. It has only been given a despised name which is usually used in reference to alcoholic drinks. However, the ultimate decision is not tied to names, but to the essence of matters. Further, what is deemed *Halal* to drink, is *halal* to trade with and sell (ECFR Second Session, 9-11 October 1998 *fatwa* 15)

The *fatwa* of the ECFR outlined above was similar to that of al-Qaradawi. It suggested that the principle of necessity was not applicable in cases of self-employed workers. The Prophetic Traditions may have set the basis for their *fatwa*. They referred to the Prophet who said, “When Allah forbids a thing, He (also) forbids its price. (Narrated by Abu Dawod, 3488) In a different context, it was said, “O Messenger of Allah, what do you think of the fat of dead animals, for ships are caulked with it and animal skins are daubed with it, and the people use it to light their lamps?” He said, “No, it is *haram*”

Then he said, “May Allah curses the Jews, for when Allah forbade them animal fat, they melted it down and sold it, and consumed its price” (Narrated by al-Bukhari, Vol 3, Book 34, Number 426 & Muslim, Chapter 34 Book 010, Number 3840). Thus, it was the price or the gain that was forbidden. However, the question remains why it was applied only in cases of the self-employed. Al-Qaradawi and the ECFR based their views on the principle: whatever is forbidden for Muslims is also forbidden to make use of it. They close the door for any creative interpretation to help a significant minority of the self-employed. The informants whose responses I reported above who decided to go against these rulings justified their decisions because of some practical needs. This reality on the ground suggests there is needs for the jurists to rethink their academic views on the issues that affect ordinary Muslim lives in Europe. Where the jurists create roadblocks, the ordinary Muslims find ways to circumvent it but not without seeking and finding legal justifications of their own.

6.3.3 Educational Institutions

Among the informants whose stories involved prohibited food or drink are those who study in cookery schools. The Belgian educational and labour systems assume equality for all citizens regardless of their ethnic or religious background. All citizens have equal rights to access any form of knowledge and jobs if they have the required qualifications. The Belgian system also assumes that Muslims will be interested in studying and working in all kinds of businesses. Religious and ethical issues among Muslims, however, appear to hinder their access to some schools and businesses. In addition, those who consider businesses or jobs dealing with food and drink are required to have a diploma. In the process of obtaining such diplomas, the trainees would have to sacrifice traditional Islamic values because the school demands them to taste prohibited food and drink while preparing meals.

As a way of accessing data, I conducted a study group discussion of six students in cookery courses (on 28/02/2017). They were friends of my daughter who studied in the same school. They were second generation Sunnis holding Belgian citizenship. Two of them were females and four were males from the Moroccan and Turkish communities respectively. They reported that as part of their coursework they were obliged to taste all foods including pork and alcoholic drinks while studying. Their courses also involved offering these foods and drinks to others. The discussion revolved around these questions: Were they aware of their decision? Why had they decided to go against their belief? What was/ were their justification(s)? They reported that there

were no schools working exclusively with *halal* foods and drinks (Informants 98-103). It was clear from the discussion that they were aware of the implications of their decision. They reported, “We are obliged to go against what we believe and taste what we prepare.” However, they added, “We do not swallow what we taste; there is no necessity to swallow what we taste”. For them the necessity of obtaining a diploma justified working with what was deemed forbidden and spitting out what they had to taste was a sign of pleasing Allah.

They held firm to a *fatwa* issued by a local *imam* to justify their action. The *fatwa* was issued by a Sunni *mufti* from Morocco who has worked in the Islamic Centre of Brussels. It was to answer a question: concerning the taste of meat in which there is pork while learning in Belgian cooking schools. His answer was: “Because of the fear of not being able to finish the studies, the necessity to obtain a diploma to help finding jobs for living; the tasting is not a problem” (Ben Siddik: *la lique du monde islamique*, 2010 *fatwa*). His *fatwa* helped the students learning cookery in all schools of the country. He based it on the principles of minority jurisprudence. The application of the principles justifies the forbidden and what makes the future better enabled them to enrol and train as chefs. It allowed the tasting of food while preparing even if it includes tasting pork meat and in return, it benefits the future of the students.

When I asked other informants (the 42 informants were not students) their views on the *fatwa* to allow Muslim students to taste all kinds of food while studying 60% agreed. They said: “Students should be allowed to the education they desire.” While one insisted: “It should be allowed to establish Islamic Cookery Schools” To sum up, the creative interpretation of Shari‘ah helped students, who faced a challenge from the wider society. It may even help them if they decide to own restaurants, hotels or businesses. However, when I asked the students if they might consider working in similar conditions after obtaining their diplomas, all said: “We prefer to take future jobs [exclusively] handling *halal* foods and drinks but we may consider other jobs if the working conditions are the same: tasting and not swallowing.” The implications were: the Wassati position helped access to all educational institutions. The Salafis insisted in establishing Islamic schools limiting access to existing Belgian schools whereas the Liberals might have respected the choice of the students.

6.3.4 Interactions with Non-Muslims

In a multicultural society like Europe, it may become challenging to maintain and preserve religious values in the public arena when they are different from the culture of

the majority. Religious practices, in general, presume and institute a relationship and a corresponding set of moral obligations between individuals and their groups. These relationships and obligations bind a group and so distinguish it from other groups who do not share or who are excluded from these obligations. The Islamic *fiqh* of Muslims non-Muslim interaction as indicated in the texts is that the believers must enjoin affection and kindness to non-Muslim Europeans especially to the People of the Book. Informant 12 shared two texts: You will surely find the most intense of the people in animosity toward the believers [to be] the Jews and those who associate others with Allah; and you will find the nearest of them in affection to the believers those who say, "We are Christians." That is because among them are priests and monks and because they are not arrogant (Surah 5:82).

The text expresses positive attitudes towards European Christians. Another permits the food of the Christians and Jews and the marriage to their women:

The food of those who were given the Scripture is lawful for you and your food is lawful for them. And [lawful in marriage are] chaste women from among the believers and chaste women from among those who were given the Scripture before you (Surah 5:5, Surah 5:82).

Al-Qaradawi set some conditions to this general ruling: the food of the Christians and the Jews is lawful for Muslims provided its legitimacy is approved and that it is not meat of animals or birds that died prior to slaughtering and that it is not pork since these categories are labelled as unlawful for Muslims (Al-Qaradawi 1960, 2003:59-61). However, there is another text that informant 52 quoted. It forbids the taking of unbelievers as friends instead of the believers: Let not believers take disbelievers as allies rather than believers. And whoever [of you] does that has nothing with Allah, except when taking precaution against them in prudence. And Allah warns you of Himself, and to Allah is the [final] destination (Surah 3:28).

In the view of informant 52 Surah, 3:28 includes Jews and Christians confirming his view with a second text: O you who have believed, do not take the Jews and the Christians as allies. They are [in fact] allies of one another. And whoever is an ally to them among you - then indeed, he is [one] of them. Indeed, Allah guides not the wrongdoing people (Surah 5:51).

This view limits interaction. Informant 86 communicated a similar view. He told me: "The traditions emphasized the importance of friendship with believers and dissociation with non-believers and severance from them" (Sahih Muslim Chapter 90 Book, 001: 0417). Thus, there was a text to permit food and interfaith marriage with

‘the People of the Book’ and another to forbid friendship with them. To reconcile the two texts, al-Qaradawi explained:

How can we show kindness, affection, and good treatment to non-Muslims since Allâh Ta‘ala Himself prohibits Muslims to take non-believers as friends, allies, and supporters...The answer to this is that these verses are not unconditional...The verses ... were revealed in connection with those people who were hostile to Islam and made war upon the Muslims...The Muslim is permitted to give gifts to non-Muslims and to accept gifts from them (Al-Qaradawi 1960, 2003:340-41).

In the view of al-Qaradawi, the text of the Qur’an that contains caution against friendship with non-Muslims is not referring to each type of friendship. Furthermore, he proposed that Muslims can exchange gifts with non-Muslims, at either the private or governmental level. In addition, Muslims may seek help from non-Muslims in technical matters that have no connection with the religion (Al-Qaradawi 1960, 2003:342-43).

In my research, discussions revolved around the following questions: Does interaction with people from outside the group need juristic justification? Could Muslims eat their meals, in lunchtimes when at work or studies, together with non-Muslims? Other related questions were: Do Muslims interact with non-Muslims in any social activities involving food? Can a Muslim offer all kinds of food or drinks to non-Muslim friends?

Concerning the need for religious justification, informants told me there is no clear juristic instruction. Informant 64 simply said: “Leaders should provide us with clear resolutions on the issue.”

Regarding eating meals with non-Muslims, the majority (62%) agreed that Muslims could eat their food when at work or studies with non-Muslims. Female second-generation informants came first on the scale at 100%; Males first generations came second at 80% (12/15); Males second generations came third at 53%; Females first generations came last with 50%. It is significant that the second-generation females came first. They are not allowed to marry non-Muslims, but they encourage interaction with them at lunchtimes. Informant 4 said, “Non-Muslim friends treat me well; they respect me even more than my Muslim friends.” Informant 10 reported, “I have many non-Muslim friends. We have mutual respect.” Among others who encourage interaction with non-Muslims is informant 45 who suggested that, “Muslims chose to live in Europe and should make their judgement [concerning interaction with non-Muslims] without any need for justifications from religious authorities.” Another added:

Our local *imam* even encourages us to engage with non-Muslims as long as we keep the limits set by Allah and on the basis of what our *imam* said, I prepare my meals at home and it does not bother me to sit and eat with my non-Muslims co-workers. It is often good for fellowship (Informant 14).

Among those who said no to eat with non-Muslims was one who told me: “Our local *imam* forbids it” (Informant 62). Informant 65 said: “No interaction as it may lead to committing a sin. I will separate myself from non-Muslims even if it costs me to go back to my home country”. Another insisted: “My understanding of the laws of personal purity causes me to detach myself from non-Muslims.” He justified his decision in saying “We should avoid what is doubtful and should eat my meals with my Muslim co-workers and pray together afterward if time allows” (Informant 35). The positions were different and so were the implications. The texts were not clear as those who listen to the Wassati position as proposed by al-Qaradawi had no problem in interacting with non-Muslims and eating with them. Those who adopted a Salafi position with reference to personal purity detached themselves from non-Muslims.

It was also remarkable that the Muslim convert informant was not in favour of any interaction (Informant 69). He argued, “Muslims should be separated from all that could lead to forbidden acts.” When I asked him whether his position was because of any problem he faced when he became a Muslim he said, “The main problem was the prohibition against alcohol. I liked drinking with friends and family, but now I have to stop any social contact with them.” He informed me that his wife and her family are Muslims, but his own family is not. He added, “I am in contact with my family, but I would not offer any alcohol to them even in special occasions”. In fact, he said, “I have no alcohol in my house because I have learned that it was forbidden to drink, and it was also forbidden to offer spirits to others.” He was aware of a *fatwa* issued by his local *imam* to permit him to eat his *halal* food at the same table with non-Muslim family members, but he said he did not agree with it. He had a great commitment to his new religion. He informed me a ruling regulating inheritance in the context of Muslim and non-Muslim members in the same family.⁶

I found a *fatwa* issued by Muzammil in a similar situation of a Muslim convert from North America. The question was:

I have recently become Muslim, but my family does not know yet. I plan to tell them when the time is right. My question regards a traditional dish that contains pork. I know I cannot eat this dish with pork, but I am expected to make this dish, but I do not know if it is allowed in Islam. I suggested beef instead of pork, but that did not go over so well. Perhaps you can tell me what I can do?

The answer was a clear ‘no’ The *Mufti* said:

I am pleased to know that you accepted Islam and you are trying to live by its teachings. May Allah bless you and make it easy for you. Whatever is *haram* for a Muslim to eat is also *haram* for him/her to serve to others. You should not cook this dish with pork. Try to

⁶ I will explain the ruling in Chapter Seven dealing with family traditions.

make it with beef or chicken etc. (Jurist Muzammil North America Fiqh Council aboutislam.net/counseling/ask-the-scholar/food-slaughter/new-muslim-cook-pork-non-muslim-family/ / answer given 01/11/2016).

It seems that in cases of conversion to Islam, the ruling is even harder. However, the ECFR issued a ruling concerned with participating in the funeral of a non-Muslim parent or relative:

It is permissible for a Muslim to attend the funeral of his non-Muslim parents or relatives. He can also attend the religious ceremonies that are usually held for the dead in churches and synagogues, provided that he does not participate in the prayers, rites and other religious affairs. He may also attend the burial ceremony, with the intention of observing the right of kindness and benevolence to relatives and sharing with the family its sorrow and promoting the relationship with the relatives and avoiding whatever would lead to alienation and severance in case he was absent on such occasions (ECFR 6th Session 28/8 – 1/9 /2000 *Fatwa* 4).

These examples threw light on the issue of interaction in the context of Western Muslim conversions. Future studies are needed to further explore the issue.

Regarding the other related questions: Would Muslims interact with non-Muslims in any social activities involving food? Can a Muslim offer all kinds of foods or drinks to non-Muslim friends? The research demonstrated that with reference to the possibility of offering prohibited foods and drinks to non-Muslim friends, 100% said no. Theoretical studies on the subject gave similar advice (Al-Qaradawi, 2002, Neumueller, 2012). However, the assumption that this is a binding ruling for all Muslims is not correct. On 24/01/2014, my wife and I were invited to a Moroccan family wedding. Nadia and her family are friends of ours. One of their children is a close friend of our children. Nadia came to Belgium with her parents. She studied in Belgium and married a non-Muslim. The uncle of Nadia, her brother and his Moroccan wife, her sister, were present along with Nadia. All of them are our friends. We had the invitation to join them at the wedding reception. I noticed that the people in the gathering were of two types: 1) those that had no problem drinking alcohol and 2) those that followed Islamic restrictions about what to eat and drink. The person who was getting married belonged to the second category. We were offered alcohol, which we politely declined on the ground that we would like to respect the food restrictions of Muslims. This led to a conversation between the person and me. Then the uncle of the lady, who was getting married, said that they always observed the duties of Islam, but they do not mind drinking. The academic positions of the jurists often differ from the practices on the ground.

Concerning social activities such as exchanging visits between Muslims and non-Muslims, including foods, the majority of 86% said they were in favour. One affirmed:

“I prefer to invite non-Muslim friends from ‘the People of the Book’ to my house for meals because I do not think that Islam forbids the sharing of meals with the People of the Book (Informant 45). When I asked if he may accept their invitations, he answered: “I may accept invitations from ‘the People of the Book’ when I am sure that what they offer is *halal*.” The guideline he follows reflects a creative interpretation of personal purity laws. A Moroccan *imam* said, “We encourage dialogue with non-Muslims to enhance interaction and we often share a meal together” (Informant 84). In his view, the sharing of a meal was to reduce conflicts between different religious groups in Belgium. When I asked more explanation, he told me, “It is an international meal. Each group brings some food from their culture and we make it available for all. It is in the interests of Muslims to engage with non-Muslims in this way” (Informant 84). He added, “The issue of personal diet should not detach Muslims from the wider non-Muslim society.”

The ECFR issued a *fatwa* that provides some guidelines for Muslims who consider any engagements in public life activities such as in politics or inter-faith dialogue. This *fatwa* reads, “This matter is to be decided by Islamic organizations and establishments. If these see that the interests of Muslims can only be served by this participation, then it is permissible on condition that it does not involve the Muslims making more concessions or losses than gains” (ECFR Second Session 9-11 October 1998 *fatwa* 42). The bottom line in the view of the ECFR is what serves the interest of Muslims. Furthermore, the ECFR reported a declaration of general principles of co-existence through an Islamic universal framework (25th Session 6-10 October 2015 Resolution 1). The resolution advised Muslims to practise “Positive co-operation to achieve true citizenship. And to adopt dialogue as the means of communication and reaching solutions [shunning violence] as well as exerting efforts in every field leading to reconciliation, social harmony, good communication and reciprocal mercy.” Interaction is an important issue. The Wassati position leads Muslims to enhance interaction with non-Muslims. The Liberals encourage all to live in harmony while the Salafists limit interaction and encourage separation.

6.4 Circumstances of Crisis

There were cases of crisis circumstances that emerged from the study. Some participants shared their experiences of imprisonment and illness so I focused on the role of Shari‘ah interpretations at times when a decision must be made to balance the issues of religious practices and what was important for their well-being in times of crisis. In my work as a prison chaplain since 1997, I noticed a great longing in Muslim

inmates⁷ to seek *fatwas* on issues such as personal purity, food, relationships with non-Muslim inmates and submission to non-Muslim authorities. In interaction with them, during visits in their cells, I became more and more aware of existing challenges amongst them due to their ‘crisis situation’. An interest grew to explore these issues in the context of my work. Many of the inmates in Belgian prisons are Muslims. This precisely represents 45% of the prison population (Sudinfo.be: 2013). The ratio is high when compared with the non-Muslims. In 2008, “Muslims from Morocco and Turkey [the biggest two Muslim communities in Belgium] make up at least 16 per cent of the prison population, compared with 2 per cent of the general population” (Open Society Institute: 2008). Their numbers are increasing and as such, their issues should be settled. In general, Muslims normally reject meats containing pork. The possibility of the presence of prohibited animal parts (pork gelatine or insulin) often causes some patients to avoid taking their medication. Through my many visits to prisons, I have learned that eating or preparing food in prison as well as medical treatment are often seen by the inmates as problematic for this reason. In a meeting with the prison directors when I pointed out these issues, I was told that in Belgian prisons alcohol and pork meats are forbidden. Other kinds of meat are served to prisoners, but the animals are not necessarily slaughtered according to Islamic law. The cooking is done for all in the same kitchen using the same dishes. Muslims and non-Muslims prepare and serve the food for all. The policy is to accept what the market offers with the best prices regardless of whether the source is *halal* or not. In addition, nurses and doctors reported their experience of confrontations with questions on *halal* and *haram* medication (Personal diary Forest 10/11/2000). To solve the dietary problem, prisons offer two kinds of menus including meat or free of meat. What concerns me is that some Muslim inmates eat all foods including meat while others ask for menus free of meat. A co-worker informed me “the authorities arrange free meat menus for vegetarians or those inmates who refuse to eat meat”. When I asked him if they use separate pots for cooking, he said: “We use the same cooking pots to prepare food for those who eat meat and those who do not. It is not an issue for the inmates” (Informant 87).

During my visits, I interacted with ten inmates among those who eat meat. My leading question was: What is your basis of justifying eating unlawfully slaughtered non-pork meat? One answered: “I inquired a *mufti* and he informed me to call the name

⁷ Names and personal details of inmates were restricted to protect their privacy. However, the inmates whom I shared their testimonies came from three ethnic groups: five from the second generation and five from the first generation.

of Allah and eat since the meat is non-pork slaughtered by the People of the Book. In addition, since there is no other alternative meat” (Informant 88). Another informed me “I contacted (by phone) two different *Muftis* who gave the same answer ‘call the name of Allah and eat’” (Informant 88). An inmate added another rationale saying: “My local Moroccan *Mufti* [name is not mentioned] told me in times of crisis in the beginning of Islam Muslims were allowed to do what was normally forbidden, thus eating non-pork meat should be allowed for necessities” (Inmate 89). There were varied positions. Nonetheless, informant 93 told me that some of those who eat meat were confused because of a circulated *fatwa* which presented a different position: “When other kinds of meat free foods are available there is no necessity to justify the *haram* meat” (Informant 93) He added, “There is no risk of starving since other kinds of food are available (Informants 93). When I asked the *imam* in this prison why there were different *fatwas* circulating in prison on eating meat that were not necessarily slaughtered according to Islamic law, he answered “Muslims in prison are from different groups and they subscribe to different *fatwas* and it will be impossible to force a unified *fatwa*’ [on anyone] (Informant 3).

There was no centralized religious authority for inmates and juridical opinions were based on different reasoning to deal with problems confronting inmates. The necessities of medication and the issue of eating meat of animals other than pork in times of crisis were handled differently depending on the juridical position of the *mufti*. Inmates reported that they were not only confused because of the different voices circulating on the question of meat (non-pork) slaughtered and prepared by ‘the People of the Book’ but also whether it was permitted to consume medications that contained prohibited substances (Personal diary on 13/1/2015). Another inmate was confused because his roommate was not a Muslim. He wondered if they can eat together since his roommate eats all kind of meat (Personal diary on 13/1/2013). Some avoided medication suspected of containing any prohibited substances as such they reported medical treatment as problematic. There was no religious ruling on this particular issue. One told me that he refused some medication because he preferred to die free from consuming *haram* substances than living in confusion (Personal diary on 13/1/2013). Besides the problems concerning prohibited substances, the issue of submission to non-Muslims authorities was also problematic (Personal diary on 22/6/2014). One reported, “It has been difficult for me to submit to non-Muslim authorities especially the females and during the fasting month of Ramadan” (Personal diary 15/09/2014). There was no evidence of a centralized system of advice to help the inmates, thus, leaving the door

open for different positions. Some inmates considered medical treatment including prohibited products and eating of meat (other than pork) produced from animals slaughtered by non-Muslims permissible, while many others refused them despite the pressure.

Prisons are not the only institutions facing such issues for other institutions, including hospitals, face similar challenges (Brown 2016, Brown 2011). Shari'ah interpretations that consider the context of imprisonment and the necessity in the time of crisis helped inmates and could also help others facing similar crisis circumstances. Informants believed that jurists should consider the situations of Muslim inmates in European prisons and issue suitable resolutions to help them. Their preference was for a unified position. In addition, the permissibility of consuming medicine processed from forbidden items was not unique to Muslims in Belgium. It has been an issue of concern in the global Muslim community.⁸ Scholars have not reached a united position on this issue. The scholars of the Standing Committee for Scholarly Research and Issuing Fatwas, (Saudi Arabia) e.g. forbade any products containing or processed from alcohol or pork. They reported a juridical position suggesting that:

If a Muslim is certain or thinks it most likely that meat, fat or ground bones of a pig have got into any food, medicine or toothpaste.... then it is not permissible in the case of doubt he should not use it because the Prophet said leave that which makes you doubt for that which does not make you doubt (islamqa.info/en/97541 Shaykh 'Abd al-'Azeez ibn Baaz, Shaykh 'Abd al-Razzaq 'Afeefi, Shaykh 'Abd-Allaah ibn Ghadyaan, Shaykh 'Abd-Allaah ibn Qa'ood. Fatawa al-Lajnah al-Daa'imah *Fatwa* 5.5 22/281).

The Islamic Medical Sciences Organization in Kuwait represented a different view:

Medications are like some kinds of cheese, oils, fats, ghee, butter and some kinds of biscuits, chocolate and ice cream, are *haram*... **It may become *halal*** [emphasis added] if the fat has turned (via some process) into something else, so that it is no longer called fat and does not have the characteristics of fat... and that which was bad and impure ... has become permissible and good... is now *halal* (islamqa.info/en/97541 Ruling on using materials to which animal glycerine has been added *Fatwa* 3.5 22/281).

The bottom line is the nature of the final product. The ECFR adopted a particular position. In June 2013 during the 23rd Session, they reported:

Examples of *Istihala* (Denaturation) and *Istihlak* (Diminish) of foods and medications including converted prohibited ingredients [during processing] ... is converted to another material... it becomes *Halal*, whereas if not converted and it preserves its structure it remains *Haram* ... Blood plasma, used in pizzas, soups, sausages and pastries and also the blood added to milk products, a number of medications and children's foods, are not blood in form nor in essence and consequently these foods are *Halal*.

⁸A number of medicines (including tablets, injections, capsules, creams, mixtures and vaccines) contain animal products or are animal derived is an issue of concern not only for Muslims but for other religious groups as well. An introductory guide for Muslims is available at: <http://www.mcb.org.uk/uploads/PBEnglish>

According to the ECFR, the nature of the final product set the basis for judgement. Al-Qaradawi informed Muslims that the use of medicines that contain forbidden items is permissible only under some conditions:

If the patient's life is endangered if he/she does not take this medicine; if there is no alternative or substitute medication made from entirely halal sources available, then it is allowed if the medication is prescribed by a Muslim physician who is knowledgeable as well as God-fearing. But the use of alcohol as a medicine is reported forbidden by him (Al-Qaradawi 1960 and 2003: 30-31).

Concerning this issue, there were three positions adopted by the informants. 52% followed the position according to the new instructions and consequently permit all medicines. Those who adopted the position based on the original components were 37% of participants. Their main argument was that it is the origin that matters, or what it is now in the medicine after processing that matters. The third group represented those who reported that they were “not aware of any need for rulings on medication or any need for justifications” and these represented 11%.

The majority who followed the position allowing consumption of all medicines were aware of the problem but believed it was the final products that mattered and what it was originally made from. They represented a middle position. Those who reported no need for religious justification were the Liberals. Among those who followed a Salafi position one said, “What matters for me is the initial use of any form of the prohibited in medications” (Informant: 55). When I asked whether he would accept from the market a questionable medicine if there were no alternative, he said, “I prefer to die and meet Allah free from the sin than being in doubt of what I use.” When I asked another for his view on the debate of using medicine contained prohibited matters, he reported, “I am aware of the issue and I always go to Muslim doctors to avoid any doubt” (Informants 76). When I asked about a possible scenario where there were no Muslim doctors, he answered, “I never faced a situation where I found no Muslim doctor in the city and if I need one, I will search for a Muslim doctor in a nearby city”.

6.5 Conclusion

Problems concerning dietary practices were the focus of this chapter. Dietary practices represented the highest on the scale of challenges reported by 79% of informants who reported them as part of the legal system of Shari'ah. Their dilemma was partially caused by the exceptions made in the texts when presenting the rulings. Informants reported different categories of challenges they faced where they had to work in jobs or follow studies handling prohibited products or in crisis circumstances. Those who work

in mainstream jobs or are in full-time studies could easily obtain *fatwas* from the ECFR or local *imams* to help them. Those who adopted *fatwas* representing the Wassati position had more access to jobs or studies the market offered. *Fatwas* based on the Salafi position did not offer the same level of freedom. This view was limited in scope compared to the Wassati position. The position of the Liberals pertained mainly to the realm of ethics rather than laws. For them the literal application of laws regulating dietary practices in everyday life was less important.

In contrast, to the help available to those who work in mainstream jobs, some of the self-employed who owned restaurants or fast food shops serving all kind of food and drinks did not receive the same level of religious guidance from official channels. They believed that the jurists could do more to help them. The chapter showed that the jurists' concerns and decisions were often academic, and this meant that not all Muslims on the ground accepted their rulings in practice. Some decided to go against what was assumed as unconditional religious rulings. The Liberal position offered the greater freedom for obvious reasons.

Then, there was the issue of interaction with non-Muslims. The texts were understood to be confusing but the Wassati interpretations encouraged interaction. This middle position helped Muslims enhance interactions with non-Muslims and has enabled them to develop more affirmative active participation in Belgian society while remaining faithful to Shari'ah. The Salafi position unsurprisingly leads to separation and limits wider social life. It causes Muslims not to eat or exchange visits with non-Muslims and leads to withdrawal, self-centredness and, at times, confrontation.

Informants who were in circumstances of crisis received varied levels of support. The Wassati position represented by those who were interested in finding suitable resolutions to religious issues was found to be helpful. It helped the prison inmates to either eat non-pork meat even though the food was prepared by non-Muslims. It also facilitated the use of medicine processed from prohibited substances. The Salafi position that proposed no adjustments to Shari'ah interpretation did not offer the same level of help for Muslims in crisis circumstances.

The claim of al-Qaradawi to be a Wassati was not always borne out by the evidence. This was a surprise. His claim to be a Wassati did not always seem consistent. He also closed the door for any creative interpretations for helping the self-employed Muslims in cases involving some of my informants but, as always, most informants found their own creative solutions to legal issues and few ignored them altogether. He also provided a conditional access to some kinds of medicine.

Dietary conflicts that Muslims faced in Belgium are common to most Muslims in the West. The *fatwas* issued by the ECFR provided insights into the presence of such problems amongst Muslims in Europe. Muslim leaders appeared to be aware of the presence of these challenges and addressed some of them but not uniformly across the board. The evidence presented in this chapter could potentially be a source that jurists use to propose suitable resolutions for the self-employed, prison inmates, and those who face illness and, above all, the more complex social issue of interactions with non-Muslims.

The chapter demonstrated that Shari‘ah played a significant role in Muslim dietary practices in the context of Europe. Although the choices the informants ranged from traditional to Liberal, the majority favoured choosing options that could be categorized under the centrist framework. Such majority choices from the ground often appeared to be more balanced than the position of al-Qaradawi which could potentially inform further theoretical developments in minority jurisprudence.

The issue of how European Muslim converts deal with dietary practices highlighted a new area for future research.

Chapter Seven

Dynamics of Shari'ah Interpretation: Family Structure and Gender Equality

7.1 Introduction

Chapter Six examined the dynamics of the Shari'ah interpretations involving dietary rules. Chapters Seven and Eight aim to investigate aspects of Muslim family traditions that are reported as being problematic because of the social context in which informants live. The welfare of Muslim families has been a subject of concern in the Islamic texts even as it is reported that about one third of the *ahkam* (legal injunctions of the Qur'an) relate to the family and its proper regulation (Khurshid 1980:16). These are not only ethical but also legal rulings. Accordingly, the Prophetic Traditions further explained these legal issues. In the context of the ECFR, thirty out of the 80 *fatwas* they issued in the very first sessions one and two (1997, 1998) concerned the position of women, her rights, duties and other related matters. Later few sessions were devoted to discussing family matters. In most Islamic contexts, the Shari'ah rulings on family issues are the slowest to reform (Hosseini, Ziba Mir, 2000). These issues mainly relate to family structure, inheritance, gender equality and autonomy to individuals. They also regulate marriage, child-rearing and family conflicts. Such issues of family are not only challenging because of the internal complexity (informants represent different Islamic sub-cultures) but also because they stand out within the European culture and are often in conflict with local laws. The current chapter analyses some specific family issues, the religious rulings referring to them and compares them with the traditions of the majority or/and European laws. It features the conflicting context and the resolutions sought by jurists to address these family concerns. The voices of the informants themselves demonstrate the choices ordinary Muslims make and the implications of the solutions they adopt. The family matters are more than what could be studied in one chapter. In chapter Seven, the focus is on family structure, inheritance, care for the elderly, autonomy and gender equality. In chapter Eight, more family issues will be explained.

7.2 Family Structure

The review of secondary literature in chapter Two highlighted that the concept of family structure in Islam is different from that of the European notion. The European notion of family, for example, is marked by an individualistic nuclear understanding of a family as spouse and dependents (The definition of family under EU Law Regulation 1612/68

and EU 2019), while the concept of family in Islam extends to include other blood ties.

Abd al-Ati explained this contrast:

There can be little doubt that traditional Muslim family structure has actually been closer to the extended-than to the nuclear type. Family members are entitled to their rights and are assigned reciprocal obligations. The principle holds for both primary foundations of the family ascribed blood ties and the acquired marital relationship (Abd al-Ati 1977: 32, 33).

According to Abd al-Ati, the Muslim family structure is extended and as such is different from the nuclear type known in Europe. Khurshid describes the notion of the Muslim family as consisting of groups or circles:

[The first group] consists of the husband, the wife, their children and servants, if any. The next group consists of a number of close relatives, whether they live together or not include (a) father, mother, grandfather, grandmother and other direct forbears; (b) direct descendants, that is, sons, daughters, grandsons, granddaughters etc.; (c) relations of the second degree (such as brothers, sisters and their descendants); (d) father's or mother's sisters (not their daughter or other descendants) (Khurshid, 1980: 31-32).

A Muslim family contains groups of people who are connected to each other through blood and servant relations. Bakar adds the notions of implied rights and obligations:

The Qur'ān reminds the believers of the rights of their near relatives (*al-aqrabūn*) and of their obligations. One can only truly appreciate the wisdom and the virtues inherent in the structural familial relations interconnecting the three generations – the children, the parents, and the grandparents (Baker 2011Pdf).

Bakar also emphasizes these rights and obligations within the Islamic family structure. In his view, the notion interconnects generations. Al-Qaradawi attributes this view of family structure to the divine order:

The prohibition of severing ties is even more emphatic in the case of blood relatives. Islam has made it obligatory upon Muslims to strengthen the ties of relationship “the ties of the womb.” holding them sacred. Says Allah Ta’ala: And be conscious of Allah, in Whom you claim your rights of one another, and of the wombs (that bore you); indeed, Allah is Watcher over you (4:1) (Al-Qaradawi 1960-2003:309).

Al-Qaradawi reports the foundation of the family structure and its obligations as drawn from the text: “O mankind, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women. And fear Allah, through whom you ask one another, and the wombs. Indeed, Allah is ever, over you, an Observer” (Surah 4:1). According to him, Surah 4.1 reminds the believers that it is a divine command to be dutiful to ‘relatives of the womb’ and as such Muslims are lawfully required to be more mindful towards their blood relatives (Al-Qaradawi 1960-2003:309). In line with this, Informant 8 says: “We Muslims are advised not to act wrongly as ‘the children of Israel’ did and were therefore criticized by Allah.” I asked him if there is a specific reference to support what he referred to in Surah 2:83:

And [recall] when We took the covenant from the Children of Israel, [enjoining upon them], "Do not worship except Allah; and to parents do good and to relatives, orphans, and the needy. And speak to people good [words] and establish prayer and give zakat. Then you turned away, except a few of you, and you were refusing.

Informant 8 made us aware that the text placed the worship of the people of Israel at the same level as their wrong-doing to their parents and to their relatives. Thus, the caring for 'the wombs' i.e. those related by blood has been an important religious duty mandated by Allah. Al-Qaradawi warns of its seriousness as reported by the Prophet:

'One who cuts will not enter Paradise (Compiled by al-Bukhâri.) In explaining the meaning of this, some scholars say it means one who cuts the ties of relationship," while others say that it means "one who cuts the road," that is, the highway robber. The Prophet's ahadith imply that both pertain to the same category. (Al-Qaradawi 1960-2003:309)

The Qur'an and the Prophetic Traditions made it a lawful requirement to be dutiful to blood relatives as was reported above. The texts explain what the duty to family entails and how serious this matter is for Muslims. Some of the informants expressed in detail some of the social, moral and legal implications. They reported stories of conflicts particularly concerning inheritance, the care for the aged family members, especially parents, and the necessity for balancing the collective rights of the family with the rights of individuals.

7.2.1 Inheritance

Concerning the ruling on inheritance, al-Qaradawi tells Muslims that 'Allah Ta'ala has mentioned matters of inheritance in three verses of the Qur'an 4:11-13 and 4:176. Surah 4:11-13 explained the legal rights given to each circle of the family members. Concerning dividing the wealth of the father the ruling is:

Allah instructs you concerning your children: for the male, what is equal to the share of two females. But if there are [only] daughters, two or more, for them is two thirds of one's estate. And if there is only one, for her is half. And for one's parents, to each one of them is a sixth of his estate if he left children. But if he had no children and the parents [alone] inherit from him, then for his mother is one third. And if he had brothers [or sisters], for his mother is a sixth, after any bequest he [may have] made or debt. Your parents or your children - you know not which of them are nearest to you in benefit. [These shares are] an obligation [imposed] by Allah. Indeed, Allah is ever Knowing and Wise.

Concerning wealth from the wives:

And for you is half of what your wives leave if they have no child. But if they have a child, for you is one fourth of what they leave, after any bequest they [may have] made or debt.

Concerning the rights of wives on the wealth of their husband:

And for the wives is one fourth if you leave no child. But if you leave a child, then for them is an eighth of what you leave, after any bequest you [may have] made or debt.

In cases of no ascendants or descendants:

And if a man or woman leaves neither ascendants nor descendants but has a brother or a sister, then for each one of them is a sixth. But if they are more than two, they share a third, after any bequest which was made or debt, as long as there is no detriment [caused]. [This is] an ordinance from Allah, and Allah is Knowing and Forbearing' (Al-Qaradawi 1960, 2003: 231,232).

The matter is so important that the texts also detailed the rights of those who should inherit and fixed the share of the estate for each category. Accordingly, the laws of inheritance became an integral part of Shari'ah, and its application is a mandatory aspect of the teachings of Islam (Hamid Khan, 2007:25-65).

Comparing the Islamic rulings regulating inheritance, one can easily realize that they are different from the European laws. In Belgium, for example, inheritance law recognizes heirs based on different groups of people, ranked in descending order. Each group only inherits if there is nobody left in the previous group. All heirs in the same group inherit equal shares regardless of their gender (Belgian Federal Public Service: 1 September 2017). The Belgian law is different from the Islamic law also because it considers people free to divide their wealth as they wish. The Belgian Federal Public Law even allows individuals to write their wills differently than indicated in the law if they wish. The EU sets principles and give freedom to people even to handle their wealth differently (EU Succession and Wills).

Writing a will is not forbidden in Islam but this is assumed to be done within some set boundaries. Al-Qaradawi warns that Allah will punish those who write a will to cut out any member from inheritance:

Accordingly, whoever disobeys Allah's laws of inheritance has deviated from the just course made plain by Him transgressing His limits and must expect the punishment promised him...the Fire, to abide therein, and his shall be a humiliating punishment. (4:14) (Al-Qaradawi 1960, 2003: 232).

In the view of al-Qaradawi, it is not lawful to cut out of a will any member whose rights on inheritance are outlined in the texts. As such, the rights cannot be taken away regardless of others' wishes or internal family dynamics.

The Islamic rulings may be clear and precise but the assumption that the issue of inheritance is settled based on its Islamic legal instructions is not true. Those who live in Europe can choose between the Islamic and the European Laws. One of my informants, for example, reported:

I do not accept a Shari'ah ruling giving unconditional rights on inheritance to my extended family members. In my case, the extended members who might have rights on our inheritance had more wealth than us. The European laws regulating eligibility for inheritance helped me to challenge those who claimed religious rights on my father's wealth when he died (Informant 37).

This informant told me: “I am a female Belgian citizen and the only child of my parents. When my father died, I went to court and could claim all inheritance.” According to her, the unconditional religious ruling was morally incorrect. Another second-generation female from Tunisia insisted that Shari‘ah rulings on inheritance are problematic. She shared her story as follows: “My father was rich and so he was afraid that relatives would make claims on his wealth in Tunisia after his death. All of us are females. To settle the issue, before his death, my father transferred and divided his wealth between us. The European law enabled him to write his will as such” (Informant 37). Her father was aware of the rulings but decided to go against them to secure the future of his daughters.

A second-generation female Moroccan informant tells her story explaining how the Shari‘ah rulings of inheritance were problematic for her. She had established with her husband a business in Morocco:

When my husband died in an accident, we had only a daughter and no male children. I could manage to claim the wealth we had in Belgium for me and our daughter. But as for our business in Morocco, I could not. It was divided according to the legal Islamic ruling applied in the country. I tried to appeal the decision in Belgian court, but it was refused on the basis that the Belgian law may not overrule the law in the country of origin (Informant 19).

When her husband died in an accident, she could not maintain authority over their business in Morocco, but she had no problem claiming their wealth in Belgium. Her story demonstrates that in Muslim countries the Shari‘ah law on inheritance is applied to all citizens regardless of their place of residence. My informant could make total claims on their wealth in Belgium, but she was not able to make similar claims on their wealth in Morocco. She and her daughter received what the Shari‘ah prescribed for them and the rest went to the extended family which, according to her, was not fair.

In another case, a first-generation Algerian informant told me: “When my father died, we desired to divide his wealth equally between us and the Belgian law permitted us. Accordingly, female members received the same equal rights as the males and the extended family lost their claims” (Informant 54).

These testimonies provide insights into the dynamics of conflicts and resolutions. In contrast with their countries of origins, where the Shari‘ah rulings are imposed unconditionally regardless of their place of residence, the Belgian laws permitted them to make different choices. Muslims in Belgium could appeal to the Belgian laws and they succeeded in their claims. Unfortunately, there are no alternative Muslim juristic

positions to help Muslims in Europe to strike a balance between religious and European laws.

Besides, I became aware of another problematic issue concerning inheritance. Informant 69 (a Belgian Muslim convert) told me that the non-Muslim members in his family were not assumed to have the same rights on his wealth as the Muslim members. When I asked whether there was a religious ruling to support his statement, he told me: “The Qur’an made a distinction between Muslims and non-Muslims in Surah 9:23: “O you who have believed do not take your fathers or your brothers as allies if they have preferred disbelief over belief. And whoever does so among you - then it is those who are the wrongdoers.” When he recited the text, I told him the Surah does not imply direct instructions referring to inheritance. He informed me that the tradition explains the ruling, as Muslims are not permitted to inherit anything of the wealth of a non-Muslim relative, as the Prophet said: “The believer does not inherit from a *kafir* (disbeliever) and the *kafir* does not inherit from a believer.” (Sahih Muslim Book 11 Number 3928) In line with this, one of my informants was a widow from Egypt whose husband was a Belgian Muslim convert. When I discussed the issue with her, she told me: “I met my husband in Kuwait from where we moved to Egypt before we came to Belgium. My family wanted to cut off my right on inheritance if my husband had not converted to Islam” (Informant 34).

The stories of these two informants that I mentioned above made me aware that dividing inheritance between Muslims and non-Muslims from the same family is problematic. Accordingly, I can speculate the effect of this ruling on inter-faith marriages in Europe. More precisely, can a non-Muslim wife from ‘the People of the Book’ inherit from her Muslim husband? On the other hand, in cases when only some family members convert to Islam what happens to the rights of inheritance for those involved? I decided, therefore, to investigate the issue since some of my informants I knew had inter-faith marriages.

Al-Qaradawi comments on the interrelation between Muslims and non-Muslims in the same family: “with respect to the treatment of parents it [Islam] forbids the Muslim to be disrespectful to them even if they should be non-Muslims” (Al Qaradawi, 1960, 2003: 235). However, he adds: “A Muslim should be grateful to Allah...when asks not to obey his parents... in associating partners with Allah? At the same time, he [a Muslim] is commanded to treat those [non-Muslim relatives] honourably in this world” (Al-Qaradawi 1960’2003: 236). The ECFR introduced a similar instruction: “Islam did not prevent Muslims from being dutiful to their non-Muslim in-laws ... as

this will make him [The Muslim husband] in a position to bring them [the non-Muslim in-laws] closer to Islam” (ECFR First Session 28-30/08/1997 *fatwa* 31). However, in a different context there was an inquiry: ‘is a husband allowed to prevent his wife from visiting a particular woman’ (a Christian woman, for example)? The advice was: ‘a man may prevent his wife from visiting this particular woman, whether Muslim or otherwise, if he felt that this relationship has an adverse effect on his wife, children or marital life in general’ (ECFR First Session 28-30 /08/1997 *fatwa* 32). Thus, the instructions as presented by al-Qaradawi and the ECFR were conditional in allowing an action only if it does not harm the family.

Concerning inheritance, I found different positions. One position was: “A Muslim man may marry a non-Muslim woman of ‘the People of the Book’, a Jewess or Christian. However, if the non-Muslim wife happens to survive her Muslim husband; she is not entitled to inherit from him” (Abd al-Ati, 1977:35). In the view of Abd, al-Ati, inheritance was not permitted between members from different faiths in the same family. The ECFR gives rights to wives to have autonomy over their own wealth:

A woman has complete rights to opening a personal account in which she deposits her income, whether it be her salary, inheritance or any form of gift given to by her father or otherwise. The husband has no right to force his wife to place her income in a joint pot or account along with his, so that he may provide for the household (ECFR First Session 28-30 /08/ 1997 *fatwa* 27).

The *fatwa* permits wives to have authority over their wealth. It does not put any conditions to differentiate between Muslims and non-Muslim wives. As such, this ECFR resolution could permit non-Muslim wives to have autonomy over their wealth but not over the wealth of the Muslim husbands. However, I found another *fatwa* to permit Muslims, if they wish, to write a will to give claims on their wealth to non-Muslim relatives by a bequest: “Islam also decreed that the non-Muslim parents actually receive a bequest (a will) from their Muslim children...It is well known that a bequest cannot be made for the Muslim parents, because they are actual inheritors” (ECFR First Session 28-30 /08/1997 *fatwa* 31). This *fatwa* offers a conditional resolution permitting non-Muslims to inherit from Muslim relatives. To my knowledge, there was no other legal advice issued by the ECFR unconditionally giving non-Muslim members the same rights of inheritance as Muslims in the same family. However, the Wassati position, as adopted by the ECFR, does not totally close the door. Non-Muslim wives may have autonomy over their wealth and Muslims may write a will allowing inheritance to non-Muslims.

In a contrasting issue, referring to a Muslim inheriting from a non-Muslim, it was reported:

The majority of scholars have maintained that it is impermissible for a Muslim to inherit from a non-Muslim and vice-versa. They premised their opinion on the words of the Prophet (peace and blessings be upon him) who said: “A Muslim does not inherit from an unbeliever and an unbeliever does not inherit from a Muslim” (recorded by Bukhari and Muslim), and “People of two different religions do not inherit from each other” (recorded by Abu Dawud, Al-Tirmidhi, and Ibn Majah). However, there are a number of evidences that prove that some of the Prophet’s Companions permitted Muslims to inherit from non-Muslims (Dar Al-Ifta Al-Missriyya: can a Muslim inherit from a non-Muslim *Fatwa* 9423).

The ruling on the permissibility of a Muslim to inherit from a non-Muslim is, therefore, debatable. However, cutting off the rights of non-Muslims is an act against the Islamic principle of treating people equally and this could be considered as an overt discrimination and an infringement according to the European laws.

The stories of research participants who were married to non-Muslims shed more light on the issue. There were four wives (informants 8, 45, 66, and 77) from ‘the People of the Book’ who married Muslims, two Muslim wives (informants 28, 68) who married non-Muslim husbands and one Muslim widow (informant 34) whose husband was a Muslim convert. I refer to their stories as follows: Informant 66 was a first-generation Jordanian who was married to a Christian. He told me:

When we got married, we made legal arrangements to keep our incomes separated. I had my bank account and my wife had hers. I paid for the house expenses, my wife participated without any obligations. Concerning the rest of our incomes, the will indicated that each has the right on his or her wealth in life and after death (Informant 66).

He was aware of the different legal rulings referring to inheritance, but he adopted the position that neither he nor his wife could inherit from each other. Unfortunately, he decided to have no children and, as such, the inheritance of his wealth became even more problematic for him.

Another informant was not aware of any particular ruling referring to the right of inheritance of non-Muslims. He simply told me: “I do not care for what will happen after I die” (Informant 8). When I explained to him the rulings referring to inheritance when two different religions are involved, he informed me: “Not all the community are aware of these rulings.”

Informant 77 was also married to a Christian wife from Albania. He told me: “We agreed to write our will according to the Belgian laws to inherit from each other and to divide our wealth equally between our three children.” He was aware of the ruling but decided to go against it. The laws in Belgium permitted them.

Informant 45 was a first generation Algerian who was married to a Belgian wife. When I discussed the issue of inheritance with him, he told me: “We live in Europe and we have chosen the European laws referring to inheritance” (Informant 45).

A second generation Moroccan female who decided to go against her conviction and married a non-Muslim said: “We wrote our wills to give our wealth only to our daughter” (Informant 28). She was aware of the Shari‘ah rulings but preferred the application of the European rulings. She was one of the females who reported being in favour of the European Laws that I mentioned in chapter Four.

Informant 68 was also a Muslim female who married a non-Muslim. She told me: “We have no children, but we wrote a will to inherit from each other in case of death.”

These stories provide insights into the dynamics of how informants sought to address such conflict generating inheritance issues. The European laws might have helped Muslims who wish to go against Shari‘ah rulings. The issue, however, is not as simple as one may think.

Furthermore, I found a case enabling the Shari‘ah ruling to override the European civil law on inheritance. Bingham reported the issue in the context of the United Kingdom:

Islamic law is to be effectively enshrined in the British legal system for the first time under guidelines for solicitors on drawing up “Sharia compliant” wills. Under ground-breaking guidance, produced by The Law Society, High Street solicitors will be able to write Islamic wills that deny women an equal share of inheritances and exclude unbelievers altogether. The documents, which would be recognised by Britain’s courts, will also prevent children born out of wedlock – and even those who have been adopted – from being counted as legitimate heirs. Anyone married in a church, or in a civil ceremony, could be excluded from succession under Sharia principles, which recognise only Muslim weddings for inheritance purposes. Nicholas Fluck, president of The Law Society, said the guidance would promote “good practice” in applying Islamic principles in the British legal system (Bingham, Religious Affairs Editor 9:35 PM GMT 22 Mar 2014).

There is diversity among informants on the matter of inheritance: 55% reported they would be inclined towards a religious solution on the matter of inheritance, 38% said they will write a will if they expect conflicts to happen, while 7% reported they would turn to European laws in order to address issues of inheritance. The results were almost identical between first and second generation while those who reported will turn to European laws were females. Accordingly, some follow the literal interpretation of the Shari‘ah ruling. Others argue that the inheritance rulings are set for a particular context and favoured the European laws regulating inheritance. The data demonstrated that the majority adopted a Salafi position regarding wealth. They insisted that the same Shari‘ah ruling has to regulate the issue regardless of the European context. Those who belong to this Salafi position closed the door to writing a will distributing wealth

differently than indicated in the rulings or allowing inheritance to non-Muslims. The middle position represented by the ECFR left the door open. It permits, within boundaries, writing a will in case of choices to go against the Shari'ah ruling. This position was followed by 38%. While the liberal position was adopted by 7% who would turn to European laws. The Salafi position is rigidly opposed to inheritance for non-Muslim members. Here, access to wealth is limited to Muslims members and is regulated by strict religious rulings. The Wassati and Liberal positions, however, leave the door open for exercising flexibility in the writing of wills and for the application of European laws where needed. The issue of inheritance often involves different family members. What one expects is to see a diversity of practices on the issue. Conflicts occur when members wish to adopt different positions with reference to dividing family wealth.

7.2.2 Care for the Elderly

The second reported problem, involving a family issue, was caring for the elderly members, especially the parents. Al-Qaradawi informs: "It is the right of parents that their children treat them with kindness, obedience and honour" (Al-Qaradawi 1960, 2003: 232). He emphasized that the Qur'an and the Prophetic Traditions require Muslims to care for their relatives. Surah 4:36 indicated that the command to honour one's parents is important and as such is accompanied with the command to believe in Allah alone: "Worship Allah and associate nothing with Him, and to parents do good, and to relatives, orphans, the needy, the near neighbour, the neighbour farther away, the companion at your side, the traveller, and those whom your right hands possess. Indeed, Allah does not like those who are self-deluding and boastful." Caring for parents was enforced by the traditions. The traditions criticised the act of the son who does not care for his parents as: 'let him be humbled into dust' and attributed goodness to the son who cares: "The finest act of goodness on the part of a son is to treat kindly the loved ones of his father" (Sahih Muslim Book 032: 6189-6196), (Al-Qaradawi 1960-2003:232-233). The traditions present caring to parents as the finest act.

This divine order did not only present moral obligations but legal requirements as well. Al-Qaradawi said: "Taking care of one's parents is considered so important ... [it] is a greater obligation than *jihad* in the cause of Allah" (Al-Qaradawi 1960-2003:234). When one or both parents grow old, the children should not prod or reproach them but speak to them respectfully. Relatives also deserve the same good treatment, which is given to the parents.

Caring for aged Muslim parents meant that the family takes care of them rather than the professionals, research informant 1 claimed. Care provided by professionals has been normal in Europe while it is reported as problematic by my research informants. There was a case of a second-generation Turkish informant who was born in Belgium. He told me that caring for his father was problematic:

My father used to live with me after the death of my mother. When I and my wife set plans to get married, she asked me to move my father to an elderly home. I was ashamed to do so and was afraid to disobey the commandments of Allah. When she insisted, I informed some relatives and asked the help of a local *imam* who knew my father and the lady I was going to marry. The *imam* told me to listen to her and move my father to a care home. The *imam* promised to help me caring for my father and to regularly visit him (Informant 24).

The advice of the local *imam* was important, declared the informant: “The *imam* saved my marriage as I was going to stop my plans and to look for another partner” (Informant 24). The creative interpretation of ‘the meaning of caring for one’s parent’ will help other Muslims who may have experiences like the case I presented.

Another female first-generation Moroccan wife was obliged to care for her aged husband:

I had to care for my husband till he was ninety-two years old. I did this to obey Allah and my family. I was advised by his medical doctor to move him to a care home, but I refused. When I became too weak and not able to care anymore for him, I asked a relative for help. He has been coming daily offering his help. He is happy that Allah gave him this possibility to care for an aged relative (Informant 23).

This informant became emotionally disturbed when I told her it might be better to listen to the medical doctor. She was deeply convinced that her action was in accordance with the commandments of Allah (Personal notes 28 /08/ 2015). Informant 24 told me: “We are three male brothers in the family. We all are married and have children; when my father died my mother moved to live with my oldest brother till, she died. We all helped her financially and we feel honoured to have done so.”

There was a case of a Muslim asking for religious advice concerning his inability to care for a grandfather:

My 89-year-old grandfather has four sons and four daughters. The eldest of the children is 65 years old and the youngest 45. I mean most of them are quite old themselves. My grandfather is looked after by one of his children each month in that child’s home. However, almost every child is so reluctant. The sons say “we’re unable to look after anybody since we are men who don’t know how to take care of people. And our wives don’t have to look after their father-in-law. So, only the daughters have to look after their father in their own homes. But we’re ready to pay the money needed for his care.” The daughters on the other side say, “our husbands don’t have to accept another’s father in their homes even if we ourselves look after our father.” So, what should happen now? All of them sound so right. So, can my poor grandfather be left in the midst of a street if nobody actually has to accept him in his/her home? (Islam QA islamiqa.org: care for Elderly Parents is a blessings and opportunity to earn Paradise).

The answer was:

It's quite unfortunate to hear that children are unwilling to take care of their father... It is true that daughter in-laws do not have to take care of their father in-law, as this is not their responsibility... As far as the daughters are concerned, their primary responsibility (after marriage) is to take care of their husbands and children. They should do whatever they can for their elderly father, but their first and foremost duty is towards their own family. This leaves us with the sons, and the fact is that, looking after and taking care of the father is the responsibility of the male children, even after marriage. The statement made by the sons: "we are unable to look after anybody since we are men who don't know how to take care of people" is surely incorrect, selfish and being helpless. Rather, being a man demands and requires that you have the strength and power to help those in need. Islam primarily places the responsibility of looking after the parents on the shoulder of the male children. ...Therefore, the sons should do their best to serve their father... If the sons are old and not capable themselves of looking after their elderly father, they should pay someone to take care of their father.

Accordingly, the care for aged relatives is obligatory as reported by jurists. However, jurists who were able to re-interpret the meaning of caring for one's parents were able to help the community when it became an issue. Not caring for an elderly member was reported by 92% of informants as an act of disobedience to Allah but, at the same time, they were not sure of the exact meaning of caring. The collective cultural norms that require families to care for aged members within the family are not always practical. They may need to allow certain measures of freedom enabling the community to move aged family members to care homes as demonstrated by the minority of cases where my informants chose to diverge from the norm. Jurists are expected to provide sustainable and clear resolutions to help Muslims in Europe. The creative interpretations of the meaning of care benefit both the younger and the aged family members.

7.2.3 Autonomy

A third problematic implication for the family structure concerned the struggle between the autonomy given to individuals by European laws and what the family considered to be its right to decide for the children. The freedom of choice is one of the fundamental social rights given to the individual, Muslims and non-Muslims in Europe (EU Charter of Fundamental Rights Article 14 2000/C 364/01). The freedom of individuals conflicts with the assumed authority of Muslim parents and guardians over their children. There was a case of a family that tried to force a decision on an individual. It was concerning the choice of what to study. A first-generation informant told me:

When I was a student, my family wanted to force me to study medicine while I wanted to study computer science. They told me that it was the wish of my grandfather that I study medicine. I had to move out of the family in order to be able to make my choice in what to study. The Belgian law enabled me, and I was able to decide what was best for me (Informant 35).

When I asked him if in so doing, he dishonoured his parent he said: “I hope not”. This informant might have succeeded in deciding for himself, but he had to move out of the family. A more balanced decision might have helped him to keep relations with the family and to prevent the possibility of dishonouring his parents.

Another informant was a Tunisian second generation woman. When she finished her studies, she had to choose between working in Belgium and working in Holland. Working in Holland would be better as she told me: “It was a better job with a good salary. My father told me that I should stay in Belgium with the family. I obeyed but I regret. I will not force my children as my father had forced me” (Informant 14). She was caught between what could have enhanced her future. Her aspiration to move out and live alone, as a female, was culturally not acceptable.

The concepts of individualism and collectivism from an Islamic viewpoint were not seen as two opposite concepts but as two intertwined precepts complementing and enhancing each other (Ali Mohammed 2006). Musah explains:

The concept of individualism and collectivism always stand in sharp contrast to each other. Islam views individualism (accountability) and collectivism (innovation) as foundational and innovative concepts. The former, as fundamental building bricks that constitutes principles of accountability in human activities, and the latter as an innovative element that flourishes from principles of accountability and stipulates human activities (Musah, December 2011).

Sheha defends the Islamic position:

Three distinct trends are discernible in our global society. The first trend exaggerates the right of the individual over the society... The second trend, contrary to the above, advocates the rights of the society over the individual. The third trend; ideally, neither emphasizes the right of the society over the individual, nor the right of the individual over the society. Each is given its due right in life according to the given system. Rights and obligations are governed and controlled by strict rules and conditions. We firmly believe that the application of the individual and social principles of the third trend, when guided by the perfect revealed laws from Allah in the Qur'an and Sunnah, will definitely make humanity happier and more prosperous (Sheha undated Pdf).

Thus, the rights of individuals and family are not seen as standing in contrast to each other as both are equally governed by Islamic laws. However, the autonomy given to individuals, Muslims, and non-Muslims, in Europe, implies legal capacities and rights to self-determination. The European Charter of Fundamental Rights allows individuals to conduct their life the way they wish. Accordingly, individualism and collectivism need to be carefully balanced for more harmony between European Laws and the Islamic rulings as well as for the betterment of Muslim communities in Europe. Besides the freedom of choice, gender equality and autonomy are key standards practised in Europe (Council of Europe key Standards 2015).

7.3 Gender Equality

Caeiro reports: “The single greatest number of questions received by the ECFR is related to the status of women, appropriately reflecting the politicization of gender issues in European Islam” (Caeiro, 2011:140). The questions referring to women demanding guidance relating to some basic day-to-day matters reflected what was problematic for females, especially for wives. They mostly referred to women’s demands for personal autonomy. Some of their struggles concern basic questions, such as can a woman cut her hair without the permission of her husband? Jurists from the ECFR issued *fatwas* and resolutions to help the community. The ECFR sessions One and Two settled the following matters: Can a woman cut her hair without the permission of her husband? The answer was “if the cut does not change the appearance and surprise the husband, it does not usually require the permission of the husband” (ECFR First Session 28-30 /08/1997 *fatwa* 21).

Another inquiry refers to the question: Does the woman have the right to rest for a period of time after giving birth or is she obliged to carry out the duties of receiving guests? The *fatwa* said:

Indeed, the custom in Islamic countries is for the woman who has just given birth to be served and looked after until her full health returns to her and she is fully recovered. However, a woman who lives in a foreign country finds herself in a position where she must help herself and look after her children and household. In this situation, her duties must be reasonably set, and guests and well-wishers must not over-burden such woman by compelling her to serve them beyond her ability (ECFR Second session 9-11/10/ 1998 *fatwa* 23).

A related question was: if a woman fell ill and she wished for her husband to stop receiving guests during her illness, does she have the right to do so or is she compelled to serve the guests regardless of her illness? The opinion, which the ECFR finds to be appropriate, is that:

The wife is obliged to work in her home caring for her husband and children. It is wrong for a man to over-burden his wife with guests, especially during her time of illness. An Eastern or Arabic Muslim, who is married to a Western woman, must take into consideration that that she may not be used to receiving guests. She must also appreciate that Islam holds in great regards a person who is hospitable to his or her guests (ECFR First Session 28-30 /08/1997 *fatwa* 24).

The ECFR gives more balanced answers. Their *fatwas* forbade husbands to over-burden their wives especially after giving birth or when ill. At the same time, these rulings also advise wives not to neglect hospitality as an important Islamic virtue. A question concerning the authority given to a husband: Can a husband prevent his wife from attending Islamic women’s gatherings? The response was that:

This woman’s activity must never transgress the rights of her husband and children, as it is only fair that each receive their due attention. In addition, whilst Islam gave the husband the

right to govern and rule the household; he must not abuse this authority and prevent members of his family from exercising their respective rights and freedoms, as Islam prevents harm to be caused (ECFR First Session 28-30 /08/1997 *fatwa* 25).

The ECFR's *fatwas* shed light on the struggles my female informants faced, and the balanced solutions given. On some related subjects, there was an inquiry regarding how the wife should behave in regard to cultural differences which stem from differences between her and her husband. The answer suggested that: "It is important to note that there is no magical potion for such problems, as they are solved by understanding, gentleness and patience, depending upon and drawing support from Allah Almighty" (ECFR First Session 28-30 /08/1997 *fatwa* 28). Another concerned with the ruling on Muslim wives who are ordered by their husbands not to speak to visitors or with any foreign man, whilst the husband allows himself to address any woman: "Women do not initiate a conversation with strange men. Nevertheless, it is important to realise that Islam does not forbid women from talking to men, nor men to women if the situation calls and the conversation abides by the boundaries of Islamic Shari'ah" (ECFR Second session 9-11/10/ 1998 *fatwa* 37). A question concerning whether a woman is allowed to ride a bicycle or teenage girls who may lose their hymen in the process. The ruling was that:

"Riding a bicycle or car or any other form of transportation is permissible in itself, however, a woman must abide by Islamic mannerisms when riding a bicycle, such as wearing appropriate Islamic dress and avoiding physical contact with men. As for the possibility of teenage girls losing their hymen, it is important to examine such a possibility (ECFR First Session 28-30 /08/1997 *fatwa* 38).

Another inquiry was whether it is permissible for women to participate in children's games, which involve some dancing movements. The *fatwa* said that, "If such movements cause desires to be affected and moved and for lusts to be raised, then women must not take part in such games, particularly if foreign men are present" (ECFR First Session 28-30 /08/1997 *fatwa* 39). These inquiries demonstrate that issue of autonomy were more problematic for women. Some of their struggles present basic rights that the European laws offer but remain difficult for Muslim women.

The secondary literature points to voices from within the community appealing for change. Ghoussoub states, for example: "females are marginalized placing a masculine point of view at the centre of culture and as such females must be subdued" (Ghoussoub, 2005:30). In his view, males are to rethink their attitude towards females. Samia, Al-Amoudi a female, reports a different root of the problem:

Male dominant culture is a phrase that is sometimes connected to the religion of Islam... Women are a vulnerable group in societies even though they are the core of the family. Reflective of the strong and extended family structure that is typical in Muslim families,

women are sometimes raised in the wrong way to blindly follow and obey the rules of the family and in particular to follow men and be totally dependent upon them even on personal issues and matters that are not governed by Islamic regulations. What is worse is when a woman is raised in such a way that she actually believes that her male guardian knows what is better for her than she does herself and she agrees that he should make decisions for her on matters that affect her life (Al-Amoudi, Samia: Al-Arabia news Sunday 28/10/2012).

In her view, the problem is due to women's unnecessary submission to men in a male dominant culture. Furthermore, she writes about an experience in the context of Saudi Arabia to support her view:

When I wrote in Twitter that Shariah laws in Islam and the Ministry of Health rules and regulations in Saudi Arabia guarantee women the right to give their own consent for their medical treatment, I found women, not men, making statements, such as: "My husband or my father knows better than I do and I have to be a good Muslim and leave the decision and the consent issue to them and not disobey them (Al-Amoudi, Samia: Al-Arabia news Sunday 28/10/2012).

Hosseine, who studied the problems women faced in Morocco and Iran, explained her view of the problem: "Islamic family law is permeated with religious ideas and ethical values; it holds within itself a distinct model of family and gender relations... conflicts arising from the interface between the divine ideals... and the actual patterns of social behaviour" (Hosseine 2000:1). Other voices appealing for change, reform, and reinterpretations of the text could be drawn from several other similar secondary writings (Silvestri 2008, Rehman 2007, and Buchler 2013).

The different positions interpreting the rulings and the voices demanding change especially concerning gender relations suggested that the problem is not settled. In order to compare the issue with the findings, I refer to some testimonies and experiences relating to the challenges. Three female self-employed decided to establish their businesses despite family opposition (Informants 19, 32, 37). Informant 19 says: "I had to carry on our business alone after the death of my husband and to go against the wishes of my family demanding that my brother in law should take over the work." Informant 32 experienced a divorce. She told me: "I became self-employed to support my family. In the beginning I had some struggle with my family, but I decided to carry on the business" (Informant 32). Informant 37 had a similar testimony as a self-employed person. Furthermore, informant 29 told me: "I challenged my family traditions and decided to work as a professional secular singer." Informant 68 shared her testimony: "I succeeded in working as a metro driver despite an initial refusal by my husband and family. It was difficult for me because my husband insisted that metro driving was a male job. I risked a divorce, but I could finally convince him with the help of our local *imam*."

Informant 65 is a second-generation male who told me: “I am not married, and I had to go against my family when I decided to work as a nurse. The question of how I would be treated and the fear of contact between the opposite genders caused my family to worry.”

The stories mentioned above confirmed that there were unsettled issues. Most importantly, they demonstrated that some informants had to go against traditional family values. They were aware of the problem but in their view, they had sufficient justifications for their decisions. In addition, the issue of gender autonomy and equality still needs further look to have a comparative perspective of the European laws with the religious rulings.¹

In general, this concept of gender equality in Islam has been widely studied by individual jurists, and by the ECFR, and was an important theme in secular literature (Moghissi 2005, Al- Rafi ‘I 2002, Abd al-Ati 1977, Abdullahi and An-Na’im 2002, Rehman 2007, Esposito and DeLong-B: 2001, Hosseini 2000 and 2013). The literature pointed out some issues such as gender equality and personal autonomy, especially for females, as still not settled and, as such, they remain challenging when compared with the European laws (Hosseine and... eds. 2013). It is reported that females and males are morally equal in Islam and as such are expected to fulfil the same religious duties and to receive the same reward:

In Islam, men and women are moral equals in God's sight and are expected to fulfil the same duties of worship, prayer, faith, almsgiving, fasting, and pilgrimage to Mecca. Islam generally improved the status of women compared to earlier Arab cultures, prohibiting female infanticide and recognizing women's full personhood. Islamic law emphasizes the contractual nature of marriage, requiring that a dowry be paid to the woman rather than to her family, and guaranteeing women's rights of inheritance and to own and manage property. Women were also granted the right to live in the matrimonial home and receive financial maintenance during marriage and a waiting period following death and divorce (Oxford Islamic Studies Online: Oxford University Press 2018).

According to this view, females and males are morally equal in Islam and, as such, are expected to fulfil the same religious duties and to receive the same reward as the text indicated. Nevertheless, they are not identical. In line with this view, the ECFR states: “The wife is equal to her husband within a marital relationship.... equality in principle, does not contradict the fact that there are duties and responsibilities unique and specific to each part of this relationship (ECFR Fourth Session 27-31/10/1999 Resolution 6).

¹ There are many explanations of human rights in Islam. Another category concerned with defending the Islamic view. Ayatullah Sayyid Muhammad Khamini, for example, wrote two general articles in Al-Islam.Org.

The ECFR emphasises that duties and obligations of males and females are equal apart from a few exceptions as stated in the Qur'an 4:34:

Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth.

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِ

So righteous women are devoutly obedient, guarding in [the husband's] absence what Allah would have them guard. But those [wives] from whom you fear arrogance - [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them. But if they obey you [once more], seek no means against them. Indeed, Allah is ever Exalted and Grand.

Gender equality was a hot subject of discussion for many research informants. Married and unmarried, males and females presented their view on the subject. A Turkish first-generation male told me: "Surah 4:34 explains the rationale why men are to have a degree of charge over women: firstly, by right of what Allah has given men over women; secondly because of what men are particularly expected to spend from their wealth for the maintenance of their families" (Informant 2). A Moroccan first-generation male put more emphasis on the second part of Surah 4:34 as it was given in the context of discipline. He said, "The text explains that men have authority over women in the context of discipline. It says those [wives] from whom you fear arrogance - first advise them; then if they persist, forsake them in bed; and finally, strike them" (Informant 39). Indeed, females were the subject of instruction as indicated in the text and men were instructed how to discipline their wives. However, a second generation female argued: "The two terms in the Arabic: قَوَّامُونَ & فَضَّلَ *qawwamuna* and *faḍḍala* ascribing advantage to men are not clear and direct. They need clarifications" (Informant 67). Informant 67 made me aware that the ambiguity is caused by the interpretation. It is a critical issue. She added, "The terms '*faḍḍala*' and '*qawwamuna*' have often been misused by males." I understood the problem when I investigated the disputed Arabic terms in Surah 4:34. The Arabic terms in Surah 4:34, ascribing advantage to men, have been translated and interpreted in different ways. When I investigated her claims, I became aware of the problem. The English translation of the Qur'an Sahih International interprets the text as: "But the men have a degree over them [the women] in responsibility and authority." The translation ascribes to men both responsibility and authority. Yusuf Ali gives a different interpretation: "Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other." Yusuf Ali translated the text putting more emphasis on the ability and function of men. Pickthall translates it as: "Men are in charge of women because Allah hath made the one of them to excel the other, and because they spend of their property for the support of women"; while Arberry translates the same text as: "Men are the

managers of the affairs of women for that God has preferred in bounty one of them over another, and for that they have expended of their property”. Thus, the Arabic *qawwamuna* has been translated with different meanings as I mentioned above: ‘Have a degree over’; ‘Given more strength’ ‘Preferred’ and ‘Made to excel’. Abd, al-Ati gives an explanation:

The Qur’an states that men are *qawwamuna* ‘*ala al-nisa*’, which in all probability means that men are guardians over, protectors and maintainers of, or responsible for women. The degree is “operationalized “as the man’s role of guardianship, a role which is based on the differential capacities of men and women. It is this role differentiation, together with differential capacities, that may provide a satisfactory explanation of the degree (Abd, al-Ati, 1977:178).

Abd, al-Ati argues that the degree is operationalized. However, he uses the term, in all probability, when he presents his argument. It is to convey what something is very likely to mean. Mawdudi reports another rationale for the two terms:

A *qawwam* or *qayyim* is a person responsible for administering and supervising the affairs of either an individual or an organization, for protecting and safeguarding them and taking care of their needs. The verb used here [*faddale*] - a derivative of the root *fdl* - is not used to mean that some people have been invested with superior honour and dignity. Rather it means that God has endowed one of the sexes (i.e. the male sex) with certain qualities which He has not endowed the other sex with, at least not to an equal extent. Thus, it is the male who is qualified to function as head of the family. The female has been so constituted that she should live under his care and protection’ (Mawdudi, Sayyid Abul A’la: Towards Understanding the Quran: the UK Islamic Foundation).

Mawdudi appealed to the roots of the term *fadala* and *qawwamuna* while carefully interpreting them as not to imply any superiority given to men over women.

The ECFR explains: “There are duties and responsibilities unique and specific to each part of this relationship [Marriage], such as the responsibility of the man to protect and maintain his wife and family, which is termed Qawama” (ECFR Fourth Session 27-31/10/1999 Resolution 6). The ECFR explains it also in the context of marriage relation. In the same resolution, the ECFR reports a middle view:

As for the question: Does the husband enjoy any authority over his wife, and to what extent, the answer would be, that the husband enjoys the (Qawama) but it is not, by any means, an absolute authority, rather it is an authority which is restricted by the regulations of the Shari’a and the considerations of the society within which one lives (ECFR Fourth Session 27-31/10/1999 Resolution 6).

The ECFR emphasizes that the authority as attributed to men is not absolute but depends on the fulfilment of men’s obligations as mentioned in the Shari’ah [to spend from their wealth] and most importantly to submit to the restrictions imposed by the European laws. The term *qawwamuna* is mentioned only once in the Qur’an and, as such, I could not compare how it was translated in different contexts. The second term, the verb *faḍḍala*, was mentioned as well in Surah: 2:47 and is translated as ‘preferred’.

Furthermore, the conduct of women was another hot subject. A male first-generation informant 6 quotes from Surah 24:31 to explain his view of the matter as below:

And tell the believing women to reduce [some] of their vision and guard their private parts and not expose their adornment except that which necessarily appears thereof and to wrap a portion of their head covers over their chests and not expose their adornment except to their husbands, their fathers, their husbands' fathers, their sons, their husbands' sons, their brothers, their brothers' sons, their sisters' sons, their women, that which their right hands possess, or those male attendants having no physical desire, or children who are not yet aware of the private aspects of women. And let them not stamp their feet to make known what they conceal of their adornment. And turn to Allah in repentance, all of you, O believers that you might succeed ‘.

The informant explains: “women are required by this divine order, to know how to conduct themselves in the context of the family as well as in the society at large” (Informant 6).

Moreover, according to Ghoussoub from a male-centred point of view, females are marginalized and the masculine point of view generally occupies the centre of culture and as such, females must be subdued: “The Muslim man conceives woman as uncontrollable and untameable, a being who can therefore only be subdued by repression” (Ghoussoub, 2005:30). When I further studied the text in Surah, (24:31) I found that even al-Qaradawi used it to sum up religious restrictions concerning how women should conduct themselves in the public sphere as well as in private. According to him, females have been the object for instructions by the text: how to conduct themselves within the family and to whom they may expose their adornment (Al Qaradawi 1960, 2003:164-168).

Al-Qaradawi further instructs women to avoid bodily touch with men and explains to them what to wear and what not to wear:

Women should not be intermingling with men in such a way that their bodies come in contact or that men touch women, as happens so often today in movies, theatres, university classrooms, auditoriums, buses, streetcars, and the like... Woman's dress must cover her entire body with the exception of the face and hands as the Shariah requires... She must not wear clothes which are specifically for men, such as trousers in our time... In her choice of clothing, she should not imitate non-Muslims, whether they are Jews, Christians, or pagans (Al Qaradawi 1960, 2003: 164,165).

When he explained to women what clothes to wear in the public, he mentioned ‘not men's clothes.’ The issue in the context of the West is more complicated as, for example, trousers are used by both men and women whether in Europe or in Muslim countries. In his instructions, al-Qaradawi did not consider any exceptions relating to time or context nor does he explain what he means by his assertions about the imitation of non-Muslims' clothing. Accordingly, he closed the door for any adjustments. Women are not to wear men's clothes or to imitate non-Muslims. However, the findings from

the field do not confirm his assumption. Five of the twenty-three females I interviewed were wearing trousers similar to men and non-Muslim clothes at the time of the interviews.

The travelling alone restriction was raised by a second-generation female. She told me: “Some males insist even in Belgium that females should not travel alone. We are forbidden to travel alone for more than three days except with a *mahram* i.e., male guardian” (Informant7). When I asked her if she was aware of any religious text to support her statement, she mentioned the Prophetic Traditions. When we checked the traditions we found a ruling narrated by Ibn 'Umar: The Prophet said, "A woman should not travel for more than three days except with a Dhi-Mahram (i.e. a male with whom she cannot marry at all, e.g. her brother, father, grandfather, etc.) or her own husband' (Al-Bukhari Volume 2, Book 20, Number 192 and Muslim Chapter 72 Book 007, Number 3096). She rationalized: “The instructions as reported are problematic because it referred to what could be understood as a permanent rule and no exception was mentioned” (Informant 7). Al-Qaradawi confirmed the ruling and commented why the ruling was given: “When Islam prohibits something, it closes all the avenues of approach to it. This is achieved by prohibiting every step and every means leading to the *haram* (Al-Qaradawi 1960’2003: 149-150). He further rationalized that the rule is to prevent a wrong from happening.

Al-Qaradawi raised another restriction for a female not to be alone with a foreign male:

The Prophet (s.a.w.s.) said: Whoever believes in Allah and the Last Day must never be in privacy with woman without there being a mahrem (of hers) with her, for otherwise Satan will be the third person (with them). (Reported by Ahmad on the authority of ‘Amir ibn Rabi’ah.) Allah Ta’ala tells the Companions of the Prophet (s.a.w.s.)...And when you ask them (the Prophet’s wives) for anything, ask them from behind a curtain; that is purer for your hearts and for their hearts (33:35) (Al-Qaradawi 1960, 2003:150).

According to the tradition, a woman is forbidden to be alone in *khulwah* (privacy) with a man apart from *mahrem* i.e. a husband or any male relative. According to al-Qaradawi:

Whatever excites passions, opens ways for illicit sexual relations between a man and a woman, and promotes indecency and obscenity, is haram ...The reason for this is not a lack of trust in one or both of them; it is rather to protect them from -wrong thoughts and sexual feelings which naturally arise within a man and a woman when they are alone together without the fear of intrusion by a third person (Al-Qaradawi 1960, 2003:150).

What is significant is that al-Qaradawi bases the ruling on Prophetic Traditions. His argument caused me to further investigate the traditions, I found no exceptions to the ruling:

Ibn 'Abbas (Allah be pleased with them) reported: I heard Allah's Messenger (may peace be upon him) delivering a sermon and making this observation:" No person should be alone with a woman except when there is a Mahram with her, and the woman should not undertake journey except with a Mahram.' A person stood up and said: Allah's Messenger, my wife has set out for pilgrimage, whereas I am enlisted to fight in such and such battle, whereupon he said: You go and perform Hajj with your wife (Sahih Muslim Book 007, Number 3110& Bukhari Volume 4, Book 52, Number 250).

Even so, there was no direct text in the Qur'an to forbid a woman to be alone with a foreign man, except the one quoted by al-Qaradawi that was concerned with the wives of the Prophet. The Prophetic Traditions set the foundation for the ruling: 'females are not expected to be alone with foreign males'; even as the Prophet advised: 'accompanying a wife in travel is more important than fighting in a battle for the sake of Allah' (Sahih Muslim Book 007, Number 3110& Bukhari Volume 4, Book 52, Number 250). Al-Qaradawi, therefore, adds further restrictions for women and this includes the in-laws:

The Prophet (s.a.w.s.) particularly warned women concerning *khulwah* with male-in-laws such as the husband's brother or cousin, since people are quite negligent in this regard, sometimes with disastrous consequences. It is obvious that a relative has easier access than a stranger to a woman's quarters, something concerning which no one would question him. The same is true of the wife's non-*mahrem* relatives, and it is prohibited for any of them to be in *khulwah* with her (Al-Qaradawi 1960'2003:150-151).

The rulings as presented by al-Qaradawi meant that there are inherent dangers in such *khulwah*, even with the in-laws. The ruling is serious, and the restriction extends to close family relatives. However, it is still a subject of debate. The debate concerns what is meant 'to be alone in privacy'. The problem lies in the definition of *khulwah*, not in *khulwah* itself. Al-Qaradawi clarifies the term as referring to: 'Privacy denotes a man and woman being alone together in a place in which there is no fear of intrusion by anyone else, so that an opportunity exists for sexual intimacy' (Al-Qaradawi, 1960-2003:150). He demonstrates a solution for a woman to be alone with a man in places where others can have easy access to see them. He limits privacy to mean when a man and a woman are in a place, 'where no one can see them'. This conditional justification should permit men and women to be together at work places or schools, for example. Here, he fully and consistently follows the principle of centrism to ease the life of Muslims.

Other jurists, following a different ruling, have extended the meaning of privacy to almost any situation involving men and women, even to conversations on the Internet chatroom between a man and a woman, or any contexts where there is no chance of even a physical sight of each other. They consider that *khulwa* is forbidden, even if the man who is chatting with the woman is on the other side of the planet (Hassan Bin

Salim: Saudi Gazette article/88255/What-is-khulwa). This Salafi position extends limitations to extremes. Consequently, it limits female access to jobs, schools and even to transportation where males and females are allowed together. To confirm the argument, I found the following inquiry about whether a woman is allowed be alone at work with a man in the same room:

I would like to know if it is allowed for a woman to be alone with a man in one room, for example in the embassy. If she needs the money [salary] and it is necessary to talk to the officer about a job possibility and she has no one to go with her (Shaikh Al-Munajjid: Islam question and answer 2010-07-11).

The answer of Shaikh Al-Munajjid was a clear ‘no’:

It is not permissible for a man to be alone with a woman, who is not his *mahram*, [relatives described in Surah 24:31 because the Prophet (blessings and peace of Allah be upon him) said: “No man should be alone with a woman unless there is a *mahram* with them” (Shaikh Al-Munajjid: Islam question and answer 2010-07-11).

This ruling was a clear restriction. As I expected the ECFR presents a different position:

Meeting, co-operating and integrating between men and women is an instinctive and natural matter, which cannot be averted in reality. Indeed, Islam; the religion of natural instincts and inclinations, conveyed nothing which prevented such meetings from taking place, but rather set the following conditions and restrictions: The forbiddance of the meeting of a man and a woman in solitary. The woman must observe proper conduct in her speech avoid physical contact or revealing parts of her body which are forbidden by Allah (ECFR Seventh Session 24- 27/01/2001 principle in setting the foundation for *fiqh al-Aqaliyyat*).

The principles of the proper conduct of women that the resolution set as a condition were those I explained were by al-Qaradawi (Al-Qaradawi 1960’2003 151-170). In addition, the ECFR proposed a clear instruction permitting a Muslim female to work in a care home for elderly Europeans. It assumes a “*khulwa* between a man and a foreign woman which is *haram* in the first place, the ruling permits touching between a male and a female in condition of necessity or need for such as the work in elderly care” (ECFR the Twenty Seventh Session 1-7 /11/ 2017 Resolution 27). This ruling is based on the principle of necessity. As such, it helped the inquirer to secure a job.

The general ruling was that it is forbidden for a woman to be alone with a foreign man. However, a creative interpretation for the meaning of *khulwah* facilitated the situation for women. It helps women who may have to be alone with men in workplaces, educational institutions, when receiving medical treatment or travelling. The different interpretations of the meaning of privacy lead to different implications for females. The ECFR extends the conditional privacy to medical treatment even by non-Muslims:

Primarily it is permissible for Muslim to be treated by a non-Muslim if needed. Secondly: In the case of treating a member of the opposite sex, ECFR recommends Muslims to refrain from the prohibited *Khulwah* and abide by modesty and ethics of dealing with members of

the opposite sex shunning the prohibited decking of oneself with ostentation (Session 24, 16-19/01/2014 *fatwa* 6).

In line with this debate, on some occasions, it was difficult for me to be alone with females without the presence of a third person. Nevertheless, one of the research informants was sitting next to me in the metro while travelling when I asked if I might talk to her. She noticed that I was reading an article written by al-Alawani (Personal diary 02/02/2015). She was a university student and she agreed to meet me alone for the discussion (Informant 10). The issue of *khulwah* was presented as a serious ruling by jurists. However, in my research, the female informants did not report the issue as problematic. They work and study together with males. The only exception was indicated by a Turkish second-generation female who said: “I feel more protected when accompanied by my father or my male brother during the visit of my in-laws” (Informant 25). In contrast to the view of most female informants, 53% of the male informants reported men and women working together or/and being alone with the in-laws from the opposite gender was not permitted. So, clearly Muslim men and women viewed this issue differently.

7.4 Conclusion

The chapter breaks new ground in relating Islamic family traditions to the everyday lives of individuals. It studied the different features and explored some aspects of family matters in religious rulings and in society. The study demonstrated that the family traditions are different and sometimes even at odds with European laws. A good proportion of research participants reported maintaining Islamic family traditions in Belgium as problematic. Thus, it was the second major category of challenges after the dietary practices. The challenge not only concerned moral issues but also legal ones. Jurists proposed different positions to help Muslims keep the balance between Islamic and European rulings. Liberals were happy to follow European laws within the ethical boundaries drawn from Shari‘ah. The Liberal position implicitly helped as it draws moral principles from creative rulings rather than rigid laws.

The Wassati position helped to balance the cultural norm of caring for the aged by keeping them within families and caring for them by professionals. It also played a role in conflicts referring to access to wealth and inheritance by proposing the writing of a will to settle the issues differently than the requirements of Shari‘ah. The Wassati position defines privacy between males and females in a creative way allowing access to jobs requiring both males and females to work together. The Salafi position did not

offer the same, but on the contrary, it limited the access to jobs and did not facilitate resolutions for challenges referring to inheritance and gender relations.

The following issues remain unsettled: Jurists should rethink the interpretations of religious rulings regulating inheritance in the context of inter-faiths relations. A proper understanding of the issue requires attention by the jurists with particular consideration for the European context; allowing Muslim females to marry men from the people of the book needs more intention. Some informants went against the religious ruling in their choices. This should cause jurists to reflect more carefully on these issues and provide creative resolutions that help rather than hinder women in making choices without the fear of consequences; balancing the autonomy given to individuals and the expected collective authority of the families. The European laws give autonomy to individuals over collective family decisions while the concepts of individualism and collectivism, from an Islamic viewpoint, were not seen as opposite concepts. They consider the two as precepts complementing each other. The issue is not which ruling is better but how to achieve a balance between the two. Jurists need to settle this conflict. Personal autonomy given to females to travel alone or to work with males is also still not settled and, as such, they remain challenging when compared with the European laws. In the following chapter, I will continue studying other family issues. In addition, some issues referring to inheritance have been found to be problematic. Allowing non-Muslim members in the family access to inheritance and permitting equal rights to males and females are challenging. Writing a will to settle the issues differently than the requirements of Shari'ah is not forbidden in Islam. However, this is assumed to be done within some set boundaries. Informants expect jurists to settle these issues whilst maintaining the higher principles of gender equality and justice that are emphasized in Islam.

Chapter Eight

Marriage, Child-Rearing, and Circumstances of Crisis

8.1 Introduction

In the previous chapter, the dynamics of the Shari'ah interpretations involving some family matters was examined. The chapter demonstrated that some issues were different from European laws and, as such, were problematic. The chapter also noted some matters that remain unsettled. The proposed solutions showed diversity as it depended on the position my informants followed. In the current chapter, I focus on marriage, child-rearing and circumstances of crisis such as illness, death and burials. I will also compare them with the traditions of the majority and, where relevant, with European laws to highlight the conflicting context, resolutions sought by my informants and the implications.

8.2 Marriage

Different cultures and religions have their traditions and rituals concerning marriage. Islamic culture is not exceptional. Marriage (*nikah*) is a religious requirement. Abd al-Ati reports:

Marriage is a religious duty and is consequently a moral safeguard as well as a social necessity. As a religious duty, it must be fulfilled but like all other duties in Islam, it is enjoined only upon those who are capable of meeting the responsibilities involved (Abd al-Ati, 1977:52).

Al-Qaradawi adds:

Islam is against suppressing the sexual urge; accordingly, it calls people toward marriage. Islam prohibited adultery and marriage is the only lawful means for sexual relations as the text limits it: 'those who guard their private parts except from their wives or those right hands possess, for indeed, they are not to be blamed (Surah 70:29-30) (Al-Qaradawi, 1960-2003:171).

In line with the views of al-Qaradawi and Abd al-Ati, informant 85, who was one of the religious leaders I discussed the issue with, told me:

Islam has specific regulations for *nikah* (marriage) that both the Quran and the Prophetic Traditions identified. Surah 24:32 begins with the imperative form *wa inkaho* and implies that marriage is obligatory and highly recommended. The traditions as well declared the obligations of marriage. It was narrated that the Prophet said: 'He who can afford to marry should marry' (Al-Bukhari Vol.3 Book 31 no 129& Muslim Book 008, Number 3231) Al-Tirmidhi Hadith 3096 narrated by Anas ibn Malik Allah's Messenger (peace be upon him) said, 'When a man marries he has fulfilled half of the *din* [religion]; so let him fear Allah regarding the remaining half (Informant 85).

Accordingly, marriage is a religious duty that should be fulfilled by all who are capable to fulfil its responsibilities. One of its main functions is to render licit the sexual

relationship between a man and a woman. Nonetheless, the ECFR points out that marriage is a contract that leads to legal responsibilities. In the view of the ECFR: “Marriage is one of the most important contracts due to the fact that it signals the creation of a new family within society; the birth of new individuals into the world and the duties and responsibilities which fall unto each of the two partners” (ECFR Fourth Session 27-31 /10/ 1999 Resolution 3). Similarly, a leader explained to me:

Marriage is a legal mutual contract between a man and a woman, and its validity depends on proposition from a male on one side (*ijab*) and acceptance (*Qubul*) by the female on the other side. As a marriage contract (*aqd al-nikah*), legalizes intercourse and procreation as suggested by its name: ‘*aqd al-nikah*’ literally means the contract of coitus (Informant 83).

Informant 37 adds, “On the social level marriage works as a bridge between two extended families; my family and the family of my husband.” Samwini sums up the notion as follows:

In Islam marriage is a relationship between man and a woman or women. It is a legal relationship... In Islam marriage is contracted with the opposite sex in the presence of witnesses in a ceremony during which particular promises are made to each other and then after they can be called husband and wife. Nikah, marriage in its original usage was ‘*aged*’, which means uniting (Samwini 2012: 881).

Al-Qaradawi also points to some rulings to direct the choice of believers (Al-Qaradawi 1960, 2003, 171-186). He mentions categories of women to whom marriage is prohibited. Some categories are permanently prohibited while others are temporally prohibited as divorced or widowed women during the waiting period of four months (*iddah*). The given reason is to be sure that the woman is not pregnant (2:226 -27). The first category of the permanent prohibitions is based on some marital and blood relations. They are derived from Surah 4:23:

Prohibited to you [for marriage] are your mothers, your daughters, your sisters, your father's sisters, your mother's sisters, your brother's daughters, your sister's daughters, your [milk] mothers who nursed you, your sisters through nursing, your wives' mothers, and your step-daughters under your guardianship [born] of your wives unto whom you have gone in. But if you have not gone in unto them, there is no sin upon you. And [also prohibited are] the wives of your sons who are from your [own] loins, and that you take [in marriage] two sisters simultaneously, except for what has already occurred. Indeed, Allah is ever Forgiving and Merciful.

Certain blood relations and consanguinity made marriage to particular relatives prohibited as reported by Al-Qaradawi. Another restriction concerned the choice of a non-Muslim partner. Thus, a Muslim man should not marry a *mushrika* (unbeliever woman) until she accepts Islam, likewise a Muslim woman should not marry a *mushrik* man until he accepts Islam. Al-Qaradawi based his ruling on Surah 2:221. This ruling treats males and females equally. Both are forbidden to marry unbelievers. In addition, Muslim women are forbidden from marrying men from amongst the people who believe

in the earlier scriptures. Al-Qaradawi based this ruling on Surah 60:10 and 5:5 permitting Muslim men to marry a Christian or a Jewish woman if they wish and forbidding Muslim women to do the same (Al-Qaradawi 1960, 2003: 171-186). The restrictions as set by al-Qaradawi that refer to forbidding marriage to relatives are identical with the European laws. The European laws discourage consanguineous marriages. I did not find an example of inquiries being sent to the ECFR regarding consanguineous marriages. I also did not find the informant raising this as an issue. However, in chapter Two, I reported a practice of Muslims in Belgium taking partners from the same ethnic group. Informant 18 said: “these prohibitions cause only some to avoid choices from categories of blood relations, but others still choose partners from among close relatives.” In addition, the rulings as set by al-Qaradawi forbid Muslim males and females to marry a *mushrika* (unbeliever). They treat males and females equally, so both are forbidden to marry unbelievers. However, Informant 45 who was married to a Belgian wife pointed out the ruling was ambiguous: “Most of the Belgian females do not believe anymore. I married her thinking that she is from ‘the People of the Book’ but my Belgian wife does not believe in any religion.” In line with this view, Informant 6 told me: “the ruling to forbid Muslim men to marry unbelievers simply means that Muslim men should be selective when marrying Europeans.”

Most importantly, the ruling drawn by al-Qaradawi forbidding Muslim females from marrying men from amongst ‘the People of the Book’ is surprising for a centrist. However, Muslims are looking for solutions for this issue. For example, a Muslim female asked, “I am a girl and I am twenty years old. A Christian man, who is ready to respect Islamic obligations and does not mind our children to be Muslims proposed to me, so is it permissible to marry him? The answer was: “It is not permissible for a Muslim woman to marry a non-Muslim man, even though he is from ‘the People of the Book’ and promises to respect your religion after marriage” (ECFR Eighteens Sessions 01-05/07/2008:*Fatwa* 1). As such, a Muslim woman is supposed to only marry a Muslim man.

In contrast, there was another *fatwa* issued by the ECFR that made a conditional exception for a Muslim convert woman to maintain her marriage to a non-Muslim if her conversion to Islam happened after marriage:

The Council affirms and repeats that it is forbidden for a Muslim female to establish marriage to a non-Muslim male. This has been an issue of consensus throughout the history... However, in the case of marriage being established prior to the female entering Islam, the Council has decided this conditional resolution (ECFR Eighth Session 18-22/07/2001, Resolution 3).

According to this *fatwa*, what was forbidden became permissible in the context of the partner's conversion to Islam after marriage. The Shari'ah rulings as presented by al-Qaradawi and the ECFR were meant to direct family traditions. However, the rulings forbidding a Muslim female to marry men from amongst the people who believe in the earlier scriptures posed a problem in the European context. They do not only limit the choices of Muslim women but also, they are not in line with the unconditional rights for choosing partners as represented by the EU. The EU Charter of Fundamental Rights gives all citizens the right to marry and the right to found a family: "The right to marry and the right to found a family shall be guaranteed in accordance with the national laws governing the exercise of these rights" (EU Rights to Marry and Rights to find a family article 9).

Significantly, the testimonies in the research reflect the dynamics of these rulings in the field. Concerning choices of partners, I found some controversial stories. For example, an informant challenged the traditions about forbidding a Muslim female to marry a non-Muslim. She was a Moroccan female who immigrated with her father when she was young. She was aware of the ruling but decided to go against it. She told me:

My father, while in Morocco, had two wives; one a Moroccan Muslim and the second a Moroccan Jew. My father came to Belgium firstly and I came after to join him. I was young when I came, so, I followed education in Belgium. I obtained a diploma in music. We do not practice regularly all the duties of Islam. My parents gave us some freedom to choose friends or to go to swimming in mixed (men-women) groups. I visited both Morocco and Israel with my parents. The challenge I had as a Muslim was concerning my choice of a partner. When a co-worker asked for marriage, I agreed. He was a Belgian citizen like me, but he was a Jew and I was a Muslim... My father had some understanding and asked me to have 'a talk'. The main issue that dominated the discussion was that my friend would never force me to become a Jew and that we should allow our children to choose their religion. My friend agreed and even signed a document and handed it to my father. Finally, the decision was to allow us to marry (Informant 68).

When I asked whether they had a religious wedding she said the *imam* refused and they had a civil marriage and not a religious one. In addition, another female told me that she married a non-Muslim who refused to convert to Islam. She decided to go against her conviction, but she refused to share details (Informant 28). Another female Muslim made a similar decision: "I got to know my partner when I was in Morocco. We chatted on Facebook. He is an Arab but not a Muslim. While in Morocco, I did not inform my family that he is not a Muslim. He invited me to Belgium where we got married" (Informant 28). They had no religious ceremony. The assumption that a Muslim woman will never accept to marry a non-Muslim is, therefore, not borne out by facts on the ground as my research informants' cases demonstrated. However, when I

investigated the issue, the majority of informants, 88%, were against allowing Muslim women to marry non-Muslims even if the woman desired to do so. They argued that it is a direct violation of the Islamic traditions which allows only men to marry from ‘the People of the Book.’ One informant told me: “It should not be allowed because the given leadership [to husbands] should not be in the hands of non-Muslims” (Informant 75). However, a significant minority, about 12%, agreed that women’s choices should be respected. Furthermore, about 24% of informants insisted that Muslim men should marry only Muslim women because the European culture concerning women is very much different as reported by some of them (Informants 7, 9, 14, 46, 52, 65, 76). Most importantly, some females favoured the applications of European family laws rather than the Islamic ones. One argued: “I prefer the European laws because they give more rights to women than the Islamic rulings” (Informant 19). The problem, therefore, is multi-faceted and it is yet unsettled, at least in practice.

Another problem directly connected with the conditions of marriage is the marriage guardianship or *wilayat al-nikdh*. It gives the ultimate authority to the father, a brother, or a male relative over females. Consequently, the religious ceremony of *nikah* (marriage) is recognized only when the female involved has a male guardian to represent her.

Furthermore, the right of the father or a male guardian to give a female in marriage regardless of her wishes or to prevent her from the right to choose is a compulsion versus freedom of choice in marriage as applied in Europe. The ECFR studied the issue in its fourth session and reported:

The majority of scholars agreed that the approval of the guardian is a condition, without which the contract would be incorrect. The followers of Imam Abu Hanifa stated that the permission of the guardian is not a condition. They added that the permission of the guardian only becomes a condition if the girl is under the age of puberty. (ECFR Fourth Session 27-31/10/1999 Resolution 3).

However, the ECFR advised:

Women are not to disregard their guardians, whom wish only for their best interest and that they marry good men rather than deceitful and ill-heart proposers. The Council also advises fathers to facilitate the marriage of their daughters and to consult with them in regards with those whom propose to them in marriage, without transgressing in using the rights that Islam granted to them (ECFR Fourth Session 27-31/10/1999 Resolution 3).

The ECFR does not give unconditional permission to women to choose their partners or to sign their own marriage contracts. However, it forbids the guardians from forcing women in marriage. This particular ruling concerned only females because Muslim males can choose and to sign their own marriage contract without the need for

guardians. Esposito mentions that: “The Hanafi School of Islamic law theoretically allows a woman of legal majority to contract her own marriage, although this practice does not appear to have been of wide spread” (Esposito, 1984:15). Al-Qaradawi sounds more like a centrist when he reports a similar ruling: “The traditions give a female the right to make a decision concerning her marriage, and her father or guardian is not permitted to override her objections or ignore her wishes” (Qaradawi, 1960-2003: 176). He based his argument on the Prophetic Traditions: “Al Bukhari reported what was narrated Abu Huraira: The Prophet said, a matron should not be given in marriage except after consulting her; and a virgin should not be given in marriage except after her permission” (Al-Bukhari Volume 7, Book 62, Number 67).

In the context of this ruling, a female told me, “When I got married, I could not give myself into marriage, nor appoint a representative other than my lawful guardian, who was my father” (Informant 15). She added: “The *imam* informed me: The traditions did not permit females to sign their marriage contract, but the right of females is limited to object to marriages if they so wish”. When I asked whether she knows the traditions, she mentioned:

A'isha (Allah be pleased with her) reported: I asked Allah's Messenger (may peace be upon him) about a virgin whose marriage is solemnised by her guardian, whether it was necessary or not to consult her. Allah's Messenger (may peace be upon him) said: Yes, she must be consulted. 'A'isha reported: I told him that she feels shy, whereupon Allah's Messenger (may peace be upon him) said: Her silence implies her consent. (Sahih Muslim Book 008, Number 3305).

Informant 15 added, “This ruling applies to every female irrespective of her age or whether she is a virgin, widow or divorcee” (Informant 15). Therefore, the ruling obliges females to have a male representative to validate religious marriage contracts. Abd al-Ati pointed out a defence regarding the compulsion in marriage:

First, in no society is there unchartered freedom of marital choice. The social structure defines and limits the so-called “field of eligible,” if only because of rules governing incest and ethnocentric preference. Second, the more functional and interdependent the family, the higher the probability that marriages will be “arranged”, and the marital freedom of the principals curtailed. Third, arranged marriages do not necessarily ignore the wishes and consent of the principal parties, nor does the freedom of choice of the principals preclude the influence, wishes, or consent of the parents (Abd al-Ati 1977:78).

The ruling is a religious tradition, but it does not equally apply to males and females and, as such, is contrary to the equal rights given to females and males by the European laws. In addition, this particular ruling changes if the wife is not a Muslim. In case of the wife who is from the People of the Book (*kitabiyah*), the ECFR reported:

As for marrying a woman without the consent of her guardian, according to the majority of Muslim scholars this marriage is not valid if she is a Muslim and her guardian is a Muslim too. This is due to the fact that the consent of the guardian was traditionally recognized even in non-Muslim societies; likewise, the majority of Muslim scholars stipulate it if a

Muslim marry a Kitabiyah. The situation has currently changed in non-Muslim societies. Most of the laws in these societies do not recognize the consent of the guardian. As your planned marriage will be subject to Romanian laws, there is no harm if you marry her without her guardian's consent (Session 15, 29/06-03/07/2005 *Fatwa* 1).

The *fatwa* above was given to help a Muslim student who asked:

I'm an engineer missioned to study in Romania. I'm a single young man of the age of 32. Thanks to Allah, I pray and observe my religion as much as I can. I'm facing a great difficulty. If I marry a woman from my country, the Romanian authority will not grant her a visa to live with me during the period of my study...Taking into consideration that the Romanian girls do not keep their virginity after reaching the age of fifteen, can I marry a Romanian lady for the period of my study bearing in mind that my intention is to continue this marriage if she becomes righteous? Can I marry her without the consent of her guardian since her father refuses to marry her to an Arab or a Muslim?

The *fatwa* indicates that the regulation to have a guardian is not binding if the female is not a Muslim.

Another related subject was the arranged marriage. Arranged marriages are the norm for many. Arranged marriages are allowed and promoted in Islam as long as both the bride and the groom accept them (Islam online Shaykh Muhammad Salim Ghisa: 13 October 2009). Those who were ready to get married are very likely to meet their future partner through family or friends. Informant 78 gave me a practical reason for agreeing to an arranged marriage: "We look to arranged marriages as a means to keep the choice of partners and the wealth within the community". The Belgian culture challenges this norm when against the wishes of partners. The following testimony of a second-generation Muslim underlines the point:

I was born in Belgium and so my four sisters and a brother. I am the oldest. My father is self-employed. We have our own house and we live together. Before I finished my studies and when in the last year, my parents asked me to marry a relative from our country of origin... however, I refused, and the European laws allowed me to marry the partner of my choice (Informant 67).

The European laws enabled the informant to say no to the choice of her family. In line with this, another female informant tells her story:

My parents and some extended family members tried to arrange a husband for me. They looked to this arranged marriage as a means to keep the family traditions and the wealth within the family. They proposed a husband that I thought was not the best for me. It was the local *imam* who convinced my family not to force me and to let me choose whom to marry. However, the *imam* had set some conditions to guide my choice (Informant14).

The testimonies above present not only challenges to the norm of arranged marriage culture but to the assumed authority given to parents. Life in Europe helped those who wished to go against this tradition.

Furthermore, one more issue that is problematic was raised by Abd al-Ati. He focuses on the text of Surah 70:29, 30& 4:25 regarding the free Muslim women and slave-girls:

Unlike marriage, there is no legal limit set to the number of slave girls with whom a master may cohabit. But like marriage, he may not cohabit with already married slaves; or two or more who are sisters or who stand in such relationship to one another that marriage with them at the time would be forbidden to him if they were free; or with idolatresses; nor is he allowed to cohabit with a newly acquired slave before the passing of a period long enough to determine if she is pregnant (Abd al-Ati 1977:44-45).

Marriage to slave-girls is not permitted today due to changes in time and context as reported by Islam online:

Concerning having slave women, ... it happens to be a practice necessitated by the condition in which early Muslims found themselves vis-a-vis non-Muslims, as both parties engaged in wars. Slave women *ormilk al-yameen* are referred to in the Qur'an as «Those whom your right hand possesses ... they are those taken as captives during conquests and subsequently became slaves, or those who were descendants of slaves (Achieve Islam online p=739).

In this case, the jurists give a resolution contrary to the text due to a change in time and context: Could this resolution set the foundation for similar resolutions to some family norms that were reported by female informants as problematic due to life in Europe? This remains to be seen.

The marriage of minors is another problematic issue that emerged. This position derives from Surah 65:4 which indirectly implies that it is lawful for a girl who has not yet experienced menstruation to marry. Abd al-Ati informs us, "The text seems to prescribe that, no matter at what age betrothal may take place; final consummation must be delayed until the parties are ready for marital relations" (Abd al-Ati 1974:77). When I further investigated the issue, I found that all schools of law agree that if it is feared that a woman will engage in sexual misbehaviour, the guardian may force her to marry to protect her and other people from her misbehaviour (Islam Question and Answer islamqa.info/en/178318). I could not study the issue further. I avoided interviewing minors thus, I leave it for a future study.

Besides, conditional polygamy is permitted in Islam as reported by al-Qaradawi: "With regard to the restriction, it is limited to four the maximum number of wives a man might have." (Al-Qaradawi 1960, 2003: 191) The key passage, al-Qaradawi referred to, is in Surah 4:3 where polygamy is designated as conditionally permissible: lawful to those who have reasons for it, who can treat their wives equitably and able to provide for them sufficiently. The ECFR based their commentary on Surah 4:3, which is usually interpreted in conjunction with another passage 4:129:

As for the condition, it is the confidence of the man that he can actually be totally just and fair between his wives... In addition, the other conditions of any marriage must also be present, such as the ability to provide for the family and the ability to satisfy the sexual needs of the woman...As for those who say that this allowance is often abused by some men, it is an unfortunate fact that many rights are abused or are used in inappropriate ways. This does not mean that we must cancel these rights (ECFR Fourth Session 27-31 /10/ 1999 Resolution 4).

Consequently, al-Qaradawi and the ECFR accept a conditional polygamy. Interestingly, an informant reported, “I have seven children with two wives” (Informant 27). In the course of the discussion, I found that he has been legally married to one and lives with the second without being legally married. He had children with both wives. He told me, “The law in Belgium forbids polygamy but permits living with partners without the necessity for legal marriage” (Informant 27). In sum, the Islamic traditions referring to marriage are different from the European traditions.

Handling marriage conflicts is one more important subject for jurists (Al-Qaradawi, 1960-2003:202-220 and ECFR 15th Session 29/06-03/07/2005 and 24th Session 16-19/10/2014). In the context of conflicts, the ECFR advises Muslim societies to intervene to resolve conflicts:

This comes in the form of appointing a family court which consists of two arbitrators who must be people of knowledge, authority and influence as well as of ability to make judgments in cases of family conflicts. This court must try all means to reach an agreement between the married couple, otherwise, must rule that they separate. The ruling of this court must be implemented, as occurred during the days of the Companions, may Allah be pleased with them all (ECFR First Session 28-30 /08/ 1997 Resolution 29).

The creation of religious courts was a proposed framework to settle marriage conflicts. It was meant to mediate between couples and, if possible, to implement Islamic rulings. Al-Qaradawi speaks about the divorce process, “When a man takes an oath for abstention from his wife and the intention is firm to dissolve the marriage a relief from this bond is called *talaq* (divorce). According to Islamic rulings, the woman (wife) has the right for divorce *khul* but she has to take the case to court (Al-Qaradawi 1960, 2003:203). He based his ruling on Surah 2:226-27. The male partner has the right to divorce ‘*talaq*’ while the female has to take her case ‘*khul*’ to court. The European Laws give both partners equal rights asking for divorce or legal separation. To balance the notion, the ECFR advises Muslims living in non-Muslim countries where Islamic divorce is not recognized to pursue the official divorce procedures of the land where they live provided their marriage took place therein (ECFR 15th Session 29/06-03/07/2005, resolution 2). The issue, however, is to be decided by a court (EU Family index: Divorce and Legal Separation). Wives and husbands have equal rights while Islamic rulings do not give the same rights. Religious courts mediate solutions but divorce or separation is the responsibility of European legal courts. Accordingly, Hosseini suggests, “In Muslim societies today marriage is governed by religious concepts, embodied in modern systems of law” (Hosseini 2000:1). In the context of the UK there is significant numbers of religious courts or councils:

Surprisingly little is known about the councils – even down to how many there are in the UK (estimates range from 30 to 80). Some, like Birmingham's, are large and long established; others are informal, backroom affairs. Individual imams also carry out the same functions, complicating their definition. Samia Bano, a senior lecturer in law at SOAS, University of London, who has written a book on sharia councils, jokes that they are so informal "I could open one tomorrow". Since cuts to legal aid made civil divorces more expensive, more couples than ever are turning to them. Yet their critics say they pose a serious threat to Muslim women in the UK (*The Guardian* 01/03/2017).

When I investigated if there are any religious courts in Belgium or any similar case to that in the UK, I found a self- established Shari'ah court that was set up in Belgium:

The Sharia court is the initiative of a radical Muslim group called Sharia4Belgium. Leaders of the group say the purpose of the court is to create a parallel Islamic legal system in Belgium in order to challenge the state's authority as enforcer of the civil law protections guaranteed by the Belgian constitution...The self-appointed Muslim judges running the court are applying Islamic law...to resolve disputes involving questions of marriage and divorce, child custody and child support, as well as all inheritance (Kern 15/09/2011).

Although, Belgian authorities have banned the Islamic movement 'Sharia 4 Belgium', the court itself is seen as a good idea. The director of the Brussels Islamic Centre told me: "We have established a department in the Centre to resolve family deputies. We cannot pass legal judgments we merely act as a moderator" (Informant 86). When I asked him about the Shari'ah Court in Belgium, he said, "It's a good idea that religious groups mediate their communities" (Informant 86). Concerning my informants, 89% reported, "We will refer firstly to religious rulings before appealing to European laws in cases of conflicts". 11%, a significant minority, said that both alternatives should be possible.

Traditions and religious rulings play an important role in directing Muslims social life referring to marriage. However, the measures of acceptance and implementation of these rulings by the community varied as I reported. My aim in this section is to examine the relations between the ideal presented by religious rulings and the real situation presented by European laws and experiences on the ground. Hosseini speaks of situations in Muslim countries and her principles are addressed to jurists in Europe:

The extent to which any government succeeded in reforming the existing legal system was greatly influenced by the balance of power between conservative and modernist groups... Shari'a in its classical form allowed fluidity in the demarcating between the moral and the legal of human conduct... accommodating individual needs and circumstances (Hosseini 2000:11).

The review shows that the issue of the family traditions, especially concerning females, is far from being settled and the role of jurists is essential in this matter.

8.3 Child-Rearing

Child-rearing as good Muslims is another important concern for jurists. Al-Qaradawi gives this strict advice to Muslim families in the West: “I told brothers and sisters living in the west that if they find it extremely difficult to bring up their children as Muslims, they should return to their countries of origin” (Al-Qaradawi, Islam Online Archive p=1008). Rafi’i reported his personal experience in Germany:

What young Muslims receive at the school is stronger than the Islamic education they receive from their parents. The schools do not only teach morals that are different than Islamic morals but teach children their rights to oppose their parents. Thus, the number of bad Muslim children in Europe is higher than the good ones (Rafi’i 2002 80-81).

In a different context than in Europe, the challenge for families was not only due to differences in laws or educational systems but owing to demands from the majority as one parent wrote:

In the years immediately following 9/11, kids who were coming of age received a different kind of messaging, a particular mix of pressures: to condemn terrorism, express their patriotism, and sometimes downplay their Muslimness. Today, for my kids, with 9/11 more than 15 years in the past, they are facing something wholly new: an era when it’s encouraged to be unapologetically Muslim while at the same time staking claim to their Americanness (Dilshad D. Ali March 21, 2018).

From the Islamic perspective, there are the educational institutions that teach morals that are different from the Islamic norms. In addition, parents do not have the same authority over their children and the demands from the majority referring to the rights of children make it even more difficult for parents. Consequently, jurists advise Muslims to spend their utmost to raise their children in an Islamic environment. The ECFR calls for establishing Islamic schools, educational where their unique, independent character can grow safely. It also encourages finding Islamic recreational centres where youngsters can meet properly (ECFR recommendation: 3rd session 19-22/05/1999 that was again enforced in resolution 4 session 15:29/06-03/ 2005). Child-rearing is a challenge and the solutions presented by the ECFR do not reflect the situation on the ground and, if followed, this may lead to greater separation between Muslims and non-Muslims.

Al-Qaradawi pointed out another issue concerning the parental claims over children. According to him, “Every child born to her [the wife] in the wedlock will be her husband’s child, without any need for recognition or public proclamation of the fact by him or a corresponding claim on the part of the mother” (Al-Qaradawi 1960, 2003:221). For this reason, a divorced woman should not enter into another marriage before it becomes sure that she is not pregnant from the former husband. Thus, husbands have more claims over children. According to the EU regulations the parental

rights and duties with regard to the child are different. They include the right and duty to establish and preserve the child's identity:

The child shall be registered immediately after birth and shall have the right to a name and citizenship. Parents shall choose the first and last name of the child.... The right to determine the child's home. The minor child shall live with his parents. If the parents do not live together, they shall decide the child's home by mutual agreement. In case of disagreement between the parents, the Guardianship Court (*Instanța de tutelă*) shall decide (Article 487-499 of the Civil Code and Law No 272/2004).

In cases of the child born out of wedlock:

The rights and duties belong equally to both parents); if the parents are married after divorce: to the parent whose filiation has been established; if the child was born out of wedlock to both parents if the parents live in domestic partnership. If the parents of the child born out of wedlock do not live in a domestic partnership parental authority shall be exercised by one of the parents only (Articles 503, 505 of the Civil Code).

As such, the Islamic parental claims are different from the European guidelines. Al-Qaradawi reports additional matters referring to legal adoption. His claims include forbidding prohibition of legal adoption and artificial insemination (Al-Qaradawi 1960, 2003: 223-228). The ruling demonstrates the basis in Islamic jurisprudence to argue for adoptions. On the other hand, it is undeniable that taking care of orphaned children is best done when they are placed in homes with families. A conditional adoption should be permitted if, for example, a child's lineage is not intentionally negated or concealed. A reformed model of Islamic adoptions will enable Muslims to fulfil this religious obligation by reinterpreting religious rules that no longer serve their intended purposes. Furthermore, in cases of conflict, the ECFR has settled the issue in a resolution advising Muslims to submit to Islamic rulings when there is any conflict with European laws:

The European norms and traditions are valueless if they contradict clear Islamic texts such as calling for equality between man and woman in inheritance under the guise of the change of time and place. This is because the rules of inheritance are determined by clear texts unaffected by changing time and place (ECFR Session 24, 16-19/08/2014/Resolution 9).

Both al-Qaradawi and the ECFR advise Muslims to follow Shari'ah rulings and to ignore the European laws if they are not identical. The matter as presented may conflict with the European laws.

The fear of the dominate culture's influence on children was reported by the research informants. The issue was reported by all ethnic groups, but the Moroccans came first on the scale as 94.5% expressed fear of cultural influence more than the Turks and the other ethnic groups. Those who reported fear were 70% among the Turks and 91.7% in the case of other ethnic groups. Males from the second generation were the highest, 100% expressed fear of cultural influence from the West. Males from the first generation came second (88.5 %.) Females from the second generation were third (85%). They were higher than females in the first generation (56%). Thus, fear of the

other, in general, was an issue. Males expressed more fear with reference to the culture of the majority than females and the second generations, those who were born in Europe, males and females reported higher ratios than those of the first generations. One leader said:

The second generations may have had cultural conflicts through education, media or from interaction with non-Muslim. They may suffer from the dual identities to accept being European and Muslims or the dual loyalties to religion and the laws of the European countries (Informant 87).

In line with this view, some surveys on subjects such as the functions of intergroup differentiation, the acceptance of minorities' public symbols and religious expressions by the wider majority as well as discrimination and threats against cultural and religious identity have become subjects of many research projects (Phalet k.2002, Phren, Phalet and Swyng Edouw 2003, Swyng Edouw, Marc 2008). These works have already covered the encounter between the Islamic and the European cultures as a multidimensional and a complex phenomenon but mostly from the majority perspective. The literature and empirical data revealed the existence of conflict. Having children is a command and a blessing according to the Qur'an (Surah 25: 74) yet child-rearing was difficult. Subsequently, some of my informants reported the issue of having children as problematic. The following story illustrated a struggle and a fear to have children:

I am not a moderate Muslim who may encourage Muslim men to marry from the people of the book. However, once while preparing to go to work, my car did not work. At that moment my neighbour [practicing Catholic] came out of her house and asked if I need help. I explained the problem and she offered to drive me. A relationship started and we planned and married... there were some concerns from my side that I did not find an answer. How to handle money as both of us were working and earning money... The second and more important concern was how to bring up our children as Muslims? Will they attend the church with their mother? Will Catholicism influence them? What about the influence of the extended family? I had no family in Belgium; I decided not to have children (Informant 66).

This testimony revealed conflicts between two norms, the blessing of having children and the fear that they might not become good Muslims. Life in Belgium caused this conflict and the husband decided to act against the wish of his partner. Even so, the story of this informant does not reflect the majority view but it shows this kind of fear common among some. The majority of the research informants were encouraged to have children, and in chapter Two I reported that 66 informants that were married had 199 children rating an average of 3 per family which was higher than the average family in Belgium. Pew Research Centre comments, "The average Muslim woman in Europe is expected to have 2.6 children, a full child more than the average non-Muslim woman 1.6 children" (Pew Research Centre 2017). Accordingly, the number of Muslim children is expected to increase. When I investigated the issue, I found out that 'having

children', despite the fear of non-Islamic societies' influences, was represented by 90% of research participants.

Informants adopted different positions. Some encouraged having children. One of those who were encouraged to have children indicated that: "It should be the responsibility of the parents to protect their children by teaching them Islam" (Informant 19). Those who discouraged 'having children' reported a variety of voices. Some said, "The influence of European values was stronger than what parents can do" (Informant 9). Others hoped to have more Islamic schools: "There are not enough Islamic schools and our children had no choice but to follow European Non-Islamic schools" (Informant 70). One mentioned, "The influence of the media, the internet, and non-Muslim friends were so strong that I would not be able to protect my children" (Informant 13). Another reported, "Moving back to my country of origin is better for my family" (Informant 35). Accordingly, the resolutions varied. Some see teaching children the Islamic norms at home was the solution. For others the solution was to demand the establishment of more Islamic schools. Others suggested not having children as a solution while some proposed taking their children back to their countries of origin. The ECFR offers a solution through the European states' recognition of Muslim family law (ECFR Fourth Session 27-31 Oct. 1999). We can say, therefore, that the future will depend, largely, on the responses to the threats and challenges faced by the traditional family.

In addition, European societies see the issue of bringing up Muslim children as challenging. It has been a matter of on-going studies. (Fleischmann 2011) According to Fleischmann and Phalet, this matter has a direct effect on Muslim adolescents:

We find significant negative correlations of national identification with all aspects of religiosity... Religious importance is found to explain the negative effect of being Muslim on national identification... this indirect path is stronger in Belgium, Germany, and Sweden than in England and the Netherlands... National identification is higher among adolescents who have more majority friends and lower among those who experience more discrimination in school (Fleischmann and Phalet: November 30, 2017).

In line with this, the ECFR addressed causes of radicalism among youth in Europe:

In many cases radical views are founded on Qur'anic texts and authentic Sunnah texts misinterpreted or taken out of context... when Muslim jurists talk about *Jihad* or war today, they should be aware of the huge fundamental changes that have occurred all over the world. In order to issue an authentic Islamic verdict, one should differentiate between the fixed and the changeable rules. There is no doubt that there are a number of fixed rules for *Jihad*, e.g. the practice of people deterring one another as confirmed in the Qur'an, that the original basis for Muslim-non-Muslim relations is peace and that war is a temporary situation prescribed unto Muslims but they hate it, and that inviting people to Islam is to be conducted in a wise and good way and reasoning in the best manner (ECFR 26th Session 04-08/10/2016).

The radicalization of Muslim younger generations in Europe has become a big issue. The ECFR, as mentioned above, is, however, attempting to address the issue.

8.4 Circumstances of Crisis

Crisis circumstances concerned medicine, death and burial. Medicines are a challenging issue for Muslims because these are often processed from items forbidden by Islamic law. The problem is related to permissibility. The permissibility of consuming medicine processed from forbidden items was not unique to Muslims in Belgium. It has been an issue of concern in the global Muslim community.¹ Scholars have not reached a united position on this issue. The scholars of the Standing Committee for Scholarly Research and Issuing Fatwas, (Saudi Arabia) forbade any products containing or processed from alcohol or pork. They reported a juridical position suggesting that:

If a Muslim is certain or thinks it most likely that meat, fat or ground bones of a pig have got into any food, medicine or toothpaste.... then it is not permissible in the case of doubt he should not use it because the Prophet said leave that which makes you doubt for that which does not make you doubt (islamqa.info/en/97541 Shaykh ‘Abd al-‘Azeez ibn Baaz, Shaykh ‘Abd al-Razzaq ‘Afeefi, Shaykh ‘Abd-Allaah ibn Ghadyaan, Shaykh ‘Abd-Allaah ibn Qa’ood. (*Fataawa al-Lajnah al-Daa’imah Fatwa 5.5 22/281*).

The Islamic Medical Sciences Organization in Kuwait represented a different view:

Medications are like some kinds of cheese, oils, fats, ghee, butter and some kinds of biscuits, chocolate and ice cream, are haram...It may become halal [emphasis added] if the fat has turned (via some process) into something else, so that it is no longer called fat and does not have the characteristics of fat and that which was bad and impure has become permissible and good... is now halal (islamqa.info/en/97541 Ruling on using materials to which animal glycerine has been added *Fatwa 3.5 22/281*).

The bottom line is the nature of the final product. The ECFR adopted a particular position. In June 2013, during the 23rd Session, they reported:

Examples of *Istihala* (Denaturation) and *Istihlak* (Diminish) of foods and medications including converted prohibited ingredients [during processing] is converted to another material... it becomes *Halal*, whereas if not converted and it preserves its structure it remains *Haram*. Blood plasma, used in pizzas, soups, sausages and pastries and also the blood added to milk products, a number of medications and children’s foods, are not blood in form nor in essence and consequently these foods are *Halal*.

According to the ECFR, the nature of the final product set the basis for judgement.

Al-Qaradawi informed Muslims that the use of medicines that contain forbidden items is permissible only under some conditions:

If the patient’s life is endangered if he/she does not take this medicine; if there is no alternative or substitute medication made from entirely halal sources available, then it is allowed if the medication is prescribed by a Muslim physician who is knowledgeable as

¹Several medicines (including tablets, injections, capsules, creams, mixtures and vaccines) contain animal products or are animal derived is an issue of concern not only for Muslims but for other religious groups as well. An introductory guide for Muslims is available at: <http://www.mcb.org.uk/uploads/PBEnglish>.

well as God-fearing. But the use of alcohol as a medicine is reported forbidden by him (Al-Qaradawi 1960 and 2003: 30-31).

Jurists adopted different positions. Some based their judgement on the nature of the final product, while others based it on the processed items. Al-Qaradawi sets some conditions to the use of medicines that contain forbidden items. Empirical data pointed at three positions adopted by the informants. Their main argument was based on the origin, or what it is now in the medicine after processing. 52% followed the position according to the new instructions and, consequently, permit all medicines. Those who adopted the position based on the original components were 37% of participants. A third group represented those who reported that they were “not aware of any need for rulings on medications or any need for justifications”; and these represented 11%. The majority who followed the position allowing consumption of all medicines were aware of the problem but believed that the final products mattered and not what it was originally made from. They represented a middle position. Those who reported no need for religious justification were the Liberals. Among those who followed a Salafi position, one said, “What matters for me is the initial use of any form of the prohibited in medications” (Informant: 55). When I asked whether he would accept from the market a questionable medicine if there were no alternatives, he said, “I prefer to die and meet Allah free from the sin than being in doubt of what I use.” When I asked another for his view on the debate of using medicine contained prohibited material, he reported, “I am aware of the issue and I always go to Muslim doctors to avoid any doubt” (Informants 76). When I asked about a possible scenario where there were no Muslim doctors, he answered, “I never faced a situation where I found no Muslim doctor in the city and if I need one, I will search for a Muslim doctor in a nearby city”.

Another issue reported as problematic was in the context of death and burial. The Islamic traditions are different. One person informed me about the complexity of the issue: “the issue of death and burial is not restricted to the experiences and emotions of an individual, but it is also a social and communal event where religious and cultural traditions are restricted as well” (Informant 37). The issue of death and burials has been studied by Muslim and non-Muslim scholars. Outmany dedicated her work to the study of ‘Religion at the Cemetery Islamic Burials in the Netherlands and Belgium’ (Outmany 2016). She speaks about the regulations in both countries. What interests me is what she pointed out about Belgium. Belgium issued a decree giving rights to non-Christians to establish cemeteries. The respective groups also took the responsibility of supervising these locations (Napoleonic Imperial Decree of 12 June 1804). Because of

Article 15 of the decree, it became possible to create various cemeteries in municipalities in which different religious communities resided. The option was to divide the cemetery internally into different plots. In 1971, the locations set out for cemeteries were secularized into places in which everyone could be buried alongside each other regardless of their religious background (*Wet op de begraafplaatsen en lijkbezorging* 1971 *La loi sur les funérailles et sépultures du 20 juillet 1971*). In 2000, the authorities permitted the setting up of Islamic burial plots in public cemeteries under three fundamental principles that should characterize the cemeteries: the municipal character of the cemeteries, the neutral character of the cemeteries, and the fact that no municipal authority should decide who is and who is not to be buried in the cemetery (Petersen 2013:241-258). According to a revision of the law in 2001, burial and cemeteries became regional matters with no exception concerning the obligation to be buried in a coffin and the possible abolition of graves. In addition, the Belgian regulation requires issuing a burial permission that may take more than 24 hours depending on the cause of death (Death and Dying in Belgium: Brussels Anglo info). The religious rulings concerning the Muslim on his death, such as washing, wrapping with a shroud, performing prayers are not in conflict with these Belgian laws.

In addition, Muslims have their own way of preparing graves. Muslims bury the dead as soon as possible. They insist of having their own burial places without abolition. They bury the dead facing Mecca and avoid the imitation of non-Muslim traditions. Some of these regulations, therefore, conflict with the European traditions. As such, they seek solutions. When I asked one of their leaders (informant 3), he informed me of the following principles:

Burials are barely mentioned in the Qur'an: Surah 5:31 indicates that Allah sent a crow searching in the ground to show him [Son of Adam and Eve] how to hide the disgrace of his brother. 9:84 mentions no burial prayers are allowed for the infidels and 21:35 affirms that death is the final destiny for all. The *hadith* is the main source for burials customs and practices (Sahih Muslim Book 4:1995 Chapters 173, 174, 2023: 186,187 and al Bukhari Volume 1 Book 2 Number 45 Volume 2 Book 23 Number 462 Volume 5 Book 59 Number 406).

The Islamic traditions prescribe that burial should take place as soon as possible, preferably not later than the day of death (Informant 3). Jurists attempt to help Muslims in their search for solutions. In case of no nearby Muslim cemeteries, the ECFR issued a resolution to help Muslims:

Should they [Muslims] fail to have a cemetery of their own, they should, at least, have a particular patch somewhere in the cemetery of non-Muslims to bury their dead persons in it. Otherwise, if both alternatives are not available, the deceased may be buried wherever possible, even if it were in other than Muslims' cemeteries, for Allah places no burden on a soul greater than it can bear. In this case it does not harm a Muslim to be buried in the cemetery of non-Muslims when he dies; the Muslim will be benefited in the Hereafter only

by his own endeavour and righteous deeds and not by the place of his burial (ECFR 6th session 28/8 – 1/9 /2000 *fatwa* 5).

To find a balance between the Belgian law that allows the demolition of cemeteries and the Islamic traditions demanding permanent tombs where the body is not to be transferred after burial. The ECFR studied the issue and advised Muslims:

In case of necessity e.g. laying out public road or any project for the benefit of Muslims, it is permissible to transfer a body to a different grave as public need is a necessity. On this basis it is permissible for Muslims in Denmark to accept the cemetery under this condition. This condition is permitted as originally conditions are permitted. Body transfer is to be done carefully and in a way that shows respect to the deceased' (ECFR 13th session 7-10/7/2004 *fatwa* 4).

Some of the demands were then eased by the Wassati position adopted by the ECFR. The fear that the regulations, as advised by jurists, are not enough to enable the community keeping Islamic traditions, caused many Muslims in Belgium to peruse burials in their countries of origin. The wish for an actual return to their countries of origin to be buried was referred to by more than half of the research informants (57%). Returning to the soil of one's roots was frequently mentioned as an important consideration in the respondents' own choice when I asked where they wanted to be buried. The second-generation informants expressed more this consideration. Among them, a female expressed her main consideration: "I want to return to where I had come from and go back to the soil of my roots" (Informant 7). This was her wish even though she was born in Belgium. Another said, "I want my children to bring my body back to where we came from" (Informant 9). I wrote down an observation while talking with my informants about death and burials, "There are more emotions present than in other matters, I am not sure if the wish to be buried in lands of origin is based on emotions or religious foundation" (11 November 2016). However, the issue of death and burials still needs more attention from both Muslims and non-Muslims.

8.5 Conclusion

In this chapter the focus was on marriage, child-rearing, and crisis circumstances. Some of the issues call for special attention of both Muslim and non-Muslim authorities. The ECFR and al-Qaradawi, which are known for their middle position, were at times not apparently consistent with the principle of centrism in their legal rulings concerning women. The necessity of male guardianship to validate their marriage and forbidding them to marry men from amongst the People of the Book needs more juristic intentions to keep the higher principles of gender equality and justice that are emphasized in Islam. Al-Qaradawi and the ECFR made their judgment based on the religious narratives

apparently without considering the principles of necessities or the change in time or context. The ruling is rooted in Islamic jurisprudence.

Some female informants went against religious rulings and thought time and European context demand rethinking and a balanced conclusion combining these religious rulings and European laws requires further considerations. The chapter highlighted instances of diversity of practices as, for example, when the informants showed they were ignoring some of the basic legal rulings in order to search for a compromise of their own and these exceptions can inform theoretical solutions being offered both by al-Qaradawi and the ECFR.

Furthermore, the chapter pointed out that there exists a confusion regarding bringing up Muslim children in Europe. Some refused to have children, whereas others put more emphasis on teaching them the Islamic principles to protect them from the influence of the culture of the majority, while al-Qaradawi, for example, who advises parents to go back with their children to their countries of origin in the case of extreme difficulties was not realistic. Parents do not clearly appear to distinguish between religion and culture. Many emphasize the need for teaching religious duties but at the same time feel the need to consider the demands of the European societies for harmony and possible integration. The role of jurists is essential in this matter.

The issue of death and burials still needs more attention from both Muslims and non-Muslims. Islamic regulations, referring to these matters, are different from European regulations. The Wassati position may balance some of these issues out but, again, more attention needs to be paid by both Muslims and non-Muslims. It is unclear what the real rationale is among some Muslims who wish to return to their countries of origin in order to be buried. More than half of the research informants (57%) referred to it. Returning to their roots for burial was frequently mentioned as an important consideration in their choice. The second-generation informants appeared more emotionally invested in this wish than others.

The use of medicines was an issue of concern. It was challenging because some medicines were being processed from the forbidden items. The permissibility of consuming medicine processed from forbidden items was not unique to Muslims in Belgium. The bottom line of the argument was whether the original items used to process the medicine really matter or should the focus be on the final product which is in effect quite different from the sources. The empirical data pointed at three positions adopted by the informants. Some based their judgement on the nature of the final product while others based it on the processed items. A third group followed the

conditions set by al-Qaradawi. The position that considers the nature of the final product helps the informants.

Chapter Nine

The Complexity of Being outside the Land of Islam

9.1 Introduction

In the preceding chapters, certain areas of Shari‘ah interpretations with reference to the case in Belgium were examined. This examination covered areas highlighted by the analysis of the data: dietary practices and family matters. This chapter seeks to build on Caeiro’s idea of predicament as ‘Islam struggles without the state’ (Caeiro 2011:49). The aim here is to study the nature of the struggles or issues needing specific answers and what is generally considered by many as solutions. The chapter starts by examining what it is like for Muslims living in a ‘non-Islamic’ milieu such as Belgium. This involves three specific foci of struggles: the first relates to the nature of belonging and subjection to the supposed ‘non-Islamic state’; the second concerns public behaviour and what some might describe as cultural dissonance; and the third concerns expectations and desires. Then it explains the different rulings dealing with these issues.

9.2 Non-Islamic Milieu

Informants reported two causes for this category of struggle: religious/legal permission for their immigration into non-Islamic lands and the question of loyalty to the non-Islamic laws.

9.2.1 Immigration

Informant (7) referred to a rise of particular disputes among some of his friends: “Is it at all religiously justifiable to live in non-Islamic Belgium? Does Islam permit us to live in lands where we are obliged to submit to its non-Islamic laws?” He told me: “Some friends are looking for answers.” Informant (22) experienced this challenge without reaching a satisfactory conclusion. He said that his dilemma is the meaning of a text in Surah 4:97-100:

Indeed, those whom the angels take [in death] while wronging themselves - [the angels] will say, "In what [condition] were you?" They will say, "We were oppressed in the land." The angels will say, "Was not the earth of Allah spacious [enough] for you to emigrate therein?" For those, their refuge is Hell - and evil it is as a destination... And whoever emigrates for the cause of Allah will find on the earth many [alternative] locations and abundance. And whoever leaves his home as an emigrant to Allah and His Messenger and then death overtakes him - his reward has already become incumbent upon Allah. And Allah is ever Forgiving and Merciful.

“The text informs us to move out of the lands in which we feel oppressed” (Informant 22). According to him, he feels oppressed because he is obliged to submit to non-Islamic laws.

He added, “I have chosen to immigrate to Belgium, but my expectations were different, we have three children and we hope to manage our stay without displeasing Allah” (Informant 22). The dilemma of my informant is not unique to Belgium. Rafeek spoke about this dilemma in the context of the UK:

Sometimes, a conflict of interest could arise when British Muslim minority community try to fulfil their moral and religious duties and responsibilities. They are religiously obliged to follow the teaching of Islam yet legally obliged to follow the rules of land in Britain. This is a dilemma Muslim jurist need to focus and address thoroughly (Rafeek 2012:15).

Rafeek mentioned a conflict of interest and Caeiro pointed at what he identified as “an underlying conflict between the commitment to follow shari‘a and the obligation to obey European laws” (Caeiro 2011:207). My informants confirmed the secondary sources that though it was challenging to live in non-Islamic lands, it was permissible for Muslims to live there.

I found a *fatwa* to shed light on this challenge. It was the first *fatwa* issued by the ECFR to answer a request for help:

Could the Honourable scholars, members of ECFR give us their Fatwa on whether it is permissible for a Muslim to settle and reside permanently in non-Muslim countries? We would be grateful if the answer was supported by evidence from the Holy Quran, the Prophetic heritage (Sunna) and the statements of scholars and individuals of knowledge. (ECFR First Session 28-30 /08/1997 *Fatwa* 1)

The ECFR gave conditional advice to the seeker:

The issue of a Muslim’s permanent residence in non-Muslim countries is one which has been discussed and debated at length. We have heard extremely strict views which call for all Muslims to leave these countries immediately... Our opinion is that a Muslim must never live amongst non-Muslims whilst compromising or even discarding his or her Islamic identity, unless that individual is one who is entirely overpowered and has no other option to choose. The reason for this is based upon the issue of whether or not the Muslim individual is able to protect himself, his religion and that of whomever he is responsible for, i.e. his wife and children. Therefore, if the environment in which the Muslim finds himself is one which threatens his life, religion and those for whom he is responsible for; it is upon him to migrate to a land which does not pose such a threat, as it is unlawful for him to remain in an environment which threatens his life and religion (ECFR First Session 28-30 /08/1997 *fatwa* 1).

The ECFR suggests a conditional permissibility of living in a non-Islamic milieu. My interrogation of the dilemma demonstrates that the religious view falls into two sub-categories. Some scholars said it is not permissible while others suggested conditional permissibility. Reviewing the literature concerning the historical background, there was two main positions. One position was developed by the early jurists but is still followed by some contemporary scholars. The review of this category of literature revealed that

early Islamic jurists divided the world into two major abodes. They labelled the lands where a Muslim majority lived as *dar al-salam* (abode or house of peace) and *dar al-harb* (abode of war) where non-Muslims lived. In the early years of Islam, they devised this term to denote the legal rulings for early conquests (Shadid, and van Koningsveld: 1996: 90-93). The term territory of war was defined as:

Territory of war: Denotes the territories bordering on dar al-Islam (territory of Islam), whose leaders are called upon to convert to Islam. Refers to territory that does not have a treaty of nonaggression or peace with Muslims; those that do are called dar al-ahd or dar al-sulh. Jurists trace the concept to Muhammad, whose messages to the Persian, Abyssinian, and Byzantine emperors demanded that they choose between conversion and war (Esposito ed, 2003: *Oxford Dictionary of Islam*).

The position that was adopted by early jurists represented those who believed in restricting travel to non-Islamic lands (unless it was for *Da'wah*) and forbade Muslims living 'peacefully' with non-Muslims. Contemporary Muslim scholars demand a change in this position. Al-Alawani said:

The continuing voluntary residence of Muslim minorities outside *dar al-Islam* has challenged the dichotomous exclusive concepts of *dar al-harb* and *dar al-Islam*. As a result, an understanding of *dar al-'ahd* (domain of treaty, covenant), *dar al-amān* (domain of security), *dar al-ṣulh* (domain of truce), and *dar al-darūrah* (domain of necessity) in which they can practice their religion, maybe with difficulty but peacefully (Al Alawani 2016: 74).

Al-Alawani argued against the position of early jurists I mentioned above. He rationalized that the culture of conflict, which was the context in which the works of the early jurists were written, no longer exists. The human rights and freedom of religion adopted by the West has replaced the old paradigm of 'cultural conflicts' (Al-Alawani: 2016). He referred to the presence of justice in any land as central to the concept of the land of Islam. Therefore, any land that offers security, justice to its citizens including Muslims should be considered as a land of Islam. This means that if Muslims can practice Islam freely in their place of abode, even though that place happens to be secular or un-Islamic [as in Europe], then they will be considered as living in the *dar al-islam*.

In support of this view, al-Qaradawi defended Islam as a universal religion and, therefore, the presence of Muslims in Europe was important (Al-Qaradawi 2001). Ramadan was among those who emphasized that any land where Muslims are secure to practice their religious duties is to be considered as part of *dar al-islam* (Ramadan 1999).

So, this contemporary position suggested that since the rights of Muslims are protected by European laws, any relations between states are not to be governed by force but rather through applying international laws. In return, there is no need to divide the world based on religious identity. In addition, scholars indicate that the presence of Muslims is important for proclaiming Islam.

Muslim scholars who adopt this position prefer to use the term *dar al-Da'wah* (the abode of mission) or *dar al-ahd* (the abode of truce) instead of *dar al harb*, in describing non-Islamic lands. Accordingly, in their view, the West should be considered as a land with the potential for the proclamation of Islam, and Muslims, therefore, should be encouraged to emigrate (Al-Alawani 2005, 2016 Ramadan:1995 and Qaradawi: 2001, 2003a). Some even predict a reward for staying and proclaiming Islam in non-Islamic countries:

If a Muslim adopts the nationality of a Non-Muslim country for the purpose of calling its people towards Islam, or to convey Islamic laws to the Muslims residing there, and to encourage them to stay firm on their faith, then this is not only permissible, but also a source of reward (Islamqanda: Mufti Ebrahim Desai *Fatwa* 29360).

According to this view, staying and fulfilling the *Da'wah* and encouraging Muslims to remain firm in their faith will be rewarded by Allah as pointed out by Mufti Ebrahim Desai. In the context of the different views, the ECFR adopted the option of conditional permissibility (ECFR First Session 28-30 /08/1997 *fatwa* 1). The condition as set by the ECFR in this *fatwa* indicated that it is permissible if the individual is able to protect himself and his dependents. Al-Qaradawi who encouraged Muslims to reside outside the lands of Islam, as I mentioned above, warned Muslim minorities in non-Islamic lands of losing their religious identity: "it is not important what type of a society or a social context a Muslim minority lives in, rather how far it is self-aware of its distinct identity and belonging" (Al-Qaradawi 2001: 22). In his view, the concern to protect the Islamic identity is an important criterion. Accordingly, Muslims in Europe face the challenge of having more than one identity: their Islamic identity and the new identity of the countries they live in. The literature pointed out the advice by jurists to deal with this issue:

Muslim must have two sets of identity. This first set of identity will be with Allah, His Messenger and Islam. By virtue of this identity the Muslim will belong to the Ummah (community), which is the global Islamic community, irrespective of any national and international boundaries. (...) In terms of Islam, the Ummah (community of Islam) exists first, which can then lead to the creation of the Islamic state. The second set of identity will be with the state of which they are naturalized citizens (Shadid and van Koningsveld 1996: 97).

Besides this conditional permissibility, there was a conflict of identities. Ali Sundas presents more details about this complexity in her thesis (2013). She explores identities and the sense of belonging of Muslims in Britain explaining how Muslims could manage and identify themselves. When I measured belonging in the context of Belgium in chapter Four, the findings from the field demonstrated some attractions to Belgium's civic life and strong belonging to their lands of origin. Belonging and living with two identities cause struggles. Informants reported challenges referring to this complexity of being outside the land of Islam.

Those who were happy to find ways to deal with this challenge were not a majority but presented a significant ratio of 37% of all informants. They were able to manage their stay in non-Muslim Belgium. They could be divided into two sub-categories: The majority of them saw Belgium as a mission ground to proclaim Islam and, as such, it justified their living there, while others did not see any need to question their stay in Belgium or any conditions attached to it. They reflect the principles of the Wassati and the Liberal positions.

Those who permit residence with non-Muslims in restrictive terms represented a significant majority of 63 %. One expressed his desire, "We promote segregation from non-Muslim majorities until Muslim communities are able to implement Shari'ah" (Informant 86). This group of informants is happy to stay in the hope that Belgium will become an Islamic state. As I pointed out in chapter Four, those who predicted that Islamic norms will challenge European values and would contribute significantly to the Belgian affairs were the majority (76% of the informants). One of my informants became irritated when I asked him why he stayed in Belgium while refusing Belgian citizenship. He angrily replied, "I am here to proclaim Islam" (Informant 35). Another said: "I question the justification of my staying in Belgium especially during the fasting month of Ramadan. I wish my fasting is accepted by Allah" (Informant 6). In answering another question, he mentioned internal *jihad* as one of his religious priorities. Informant (2) told me: "We live in a context in which it becomes almost impossible to keep the conditions of ceremonial purification in a religiously acceptable manner." A leader told me, "we are here to proclaim Islam, we advise our people to protect their Islamic identity hoping that Islam will gain more ground in Belgium" (86). In contrast, Informant (12) told me: "Living in Belgium represents no problem for me. I have more freedom to express my beliefs than in my country of origin." Likewise, Informant (26) said: "I am free to practise my religious duties and I am confident of my faith why should I question my staying in Belgium."

The findings that came from the field can be categorized into three groups: Those who saw Belgium as a mission ground, those who managed their staying unconditionally and those who permit residence with non-Muslims in restrictive terms: These three positions reflect Wassati, Liberal, and Salafi positions. I outline below some of the key emerging themes of implications as suggested by the participants.

Issue	Wassati Approach 63%	Salafi Approach 21%	Liberal Approach 16%
Residence in non-Islamic Belgium and interaction with non-Muslims	Encouraging the creation of Islamic presence in Belgium legitimising residence in non-Muslim lands considering Belgium a mission ground for Islam. In return, calling to reinterpret some religious laws in order to enable minorities to balance social challenges and religious duties enabling them to remain culturally connected to non-Muslims without sacrificing their religious identity.	In general, discourages Muslims to move to non-Islamic lands but becomes permissible to live under the rule of non-Muslims if Muslims can manifest their religion and practice <i>Da'wah</i> . They may deal justly only with non-Muslims who do not fight against fellow Muslims but reject any adjustments in order to accommodate Belgian living conditions. They promote segregation from non-Muslims until the time comes to implement Shari'ah in Belgium	They attach no conditions considering humans as equal and may live where they wish as long as there are no restrictions to perform their religious duties. They encourage interaction with non-Muslims stressing the separation between religious individual practices and communal civic public life. They view Shari'ah regulating day-to-day life as defining an ethic rather than a law. The application of Islamic ethics and morals are more important than the literal application of laws regulating everyday practices
Perceiving the future in Belgium	They anticipate Islamic norms to contribute to civic life in Belgium. The gradual creation of 'Belgian Islam' or the transformation of Islam to create a type of Islam which helps with life in Belgium	Maintaining a form of Islam in Belgium as at lands of origins even if it leads to transplanted entities in conflict/at odds with life in Belgium till the time comes when Islam rules in Belgian society	Muslims should respect the laws of the countries they reside in as long as there is respect for religious freedom. Both Muslims and non-Muslims will contribute to each other

Table 9.1 Emerging Themes of Different Approaches

The future of Muslims in Belgium appears to depend on their respective alignment with these different approaches. However, it was significant that a majority of 63 % permits residence with non-Muslims in restrictive terms. It confirms the expectations for the future that I conveyed in chapter Four. The majority (76%) expected that Islam will gain ground in Belgium.

9.2.2 Loyalty

This challenge occurs not only due to struggles of interest. Muslims in Belgium face the obligations to submit to secular laws that sometimes conflict with religious verdicts stemming from their commitment to the application of Shari‘ah rulings but also because of the conflict of identities. As jurists describe, it is like living with two identities:

Loyalty and disavowal in Islam (*al-wala wal bara*) is an essential doctrine in the orthodox creed, yet many people, including some Muslims, have misunderstood how this concept should be applied within the totality of Islamic teachings. In short, loyalty and disavowal mean to be loyal to the community of believers and the teachings upon which it is based, and to disavow the actions of those who oppose Islam (Abu Amina Elias: August 31, 2015).

The explanation above presents a general concern about loyalty. Muslims are not exceptional. Other groups may emphasize their loyalty to their collective culture or religion. In the context of the ECFR, the general recommendation given to Muslims in Europe is:

The Council urges Muslims to hold tight to Qur’an and Sunnah as well as the general consensus in all aspects of their lives. Conscious attention should be made to Quranic and prophetic texts which make it obligatory on Muslims to respect and fulfil the pledges they made on their entry to the respective European countries (ECFR First Session 28-30/08/1997).

The recommendation, as reported by the ECFR, is to balance loyalty to religious texts and the pledges Muslims make to European countries. A second and more recent recommendation puts more emphasis on issues related to security and citizenship obligations:

Commit themselves to what is stated in the Holy Qur’an and Sunnah and what Muslim Fuqaha’ (jurists) have unanimously agreed upon regarding the obligation of keeping the requirements of the pledge of security and the terms of citizenship and residence in the countries where they live (ECFR Session 15, 29/06-03/07/2005 Recommendation 7).

The attacks on 11th September 2001 (9/11), when two planes crashed into the twin towers in New York, led to a debate about the loyalty of the immigrant Muslims towards their host countries.

The question of security became a hot subject and might have compelled Muslim jurists to issue this recommendation.¹ In Session 24, the ECFR gave further precise advice:

First: Muslims in the West should not allow the traditions and norms of their home countries to be an obstacle in the way of the positive integration in their European societies. Second: The European norms and traditions are valueless if they contradict clear Islamic texts (ECFR Session 24, 16-19/08/2014 Resolution 9).

This resolution describes a twofold and, seemingly contradictory, guidance. On the one hand, Muslims are advised not be controlled by traditions of their societies of origin and, on the other hand, they should prioritize Islamic norms over European norms. Rafeek points at a challenge Muslims in Europe face and thus asks, “How can a Muslim minority contribute and participate in the political, economic, and social life of these western countries without damaging their identity, religiosity, and loyalty to their faith?” (Rafeek 2012:19). The question raised by Rafeek was whether Muslims can keep the balance between two diverse cultures without betraying one or the other. Because of this argument, Muslim minorities in Europe, not only in Belgium, face a divided loyalty between their religious laws and the European laws. The religious advice did not settle the issue. Yet, the literature shows such divided loyalties often lead to conflicts (Shadid, and van Koningsveld: 1996).

Informants acknowledged this challenge of loyalty as well. Informant (48) reported a daily experiment meeting both the moral obligations as a Belgian, while at the same time keeping the religious obligations of Islam: “I have to rationalize almost before making any decision; will it lead to breaking any of the rulings whether religious or secular.” Informant (38) said, “We declare our respect to Belgian laws, but we face situations where we are obliged to act in accordance with the requirements of Islamic laws when any conflict occurs.” Informant (71) referred to a struggle: “When my brother had to serve in the Belgian army, he faced the obligation to fight against fellow Muslims which is against our religious conviction.” [Belgium was required to fight with allies in Afghanistan] In this regard, leader (84) reported:

As a basic rule in Islam, a Muslim is not allowed to fight against his fellow Muslim. This became a real struggle when Europe or the USA engages in war against a Muslim country such as in the case when Belgium and some European countries had to participate in the war in the Middle East.

Another declared:

¹ Shortly after ECFR meeting; the 15th Session a similar event occurred across Europe: in Britain, the London bombings of 7th July 2005 (also referred to as 7/7).

Belgian culture does not harm Islamic culture. It proposes different manners of acting and if we carefully select the ones that suit our convictions it will be possible to balance both demands. In fact, Belgium offers us with better possibilities than just forcing religious laws (Informant 33).

This concept of loyalty is not only important for ordinary Muslims but also for the jurists whose job is to answer questions of dual belonging. I found, for example, a *fatwa* affirming that an unconditional enrolment in a non-Islamic army is not permissible: “This is not permissible unless the nation in whose army he is working is not fighting the Muslims” (Islam Question and Answer 3478).

Jurists advise that Muslims cannot serve in a nation’s army if they engage in war against Muslims. Another *fatwa* in a non-European context was given to American Muslims participating in the US military campaign: The sound juristic view here, is that a Muslim shouldn’t indulge in a war against his fellow Muslim brothers, and he may justify his position by asking for a leave or (a temporary) exemption from the military as the true conscience of a Muslim dictates that he shouldn’t indulge in killing a fellow Muslim brother without a justifiable reason. However, if there is no way but to participate, then a Muslim can join the rear to help in military service (i.e. not to participate in face-to-face confrontation) (Islam online Archive 1334). The *fatwa* above suggests striking a balance between a greater harm to kill fellow Muslims and a lesser one to lose a job. The general ruling, therefore, is not to fight against fellow Muslims. However, the debate is not settled.

In contrast, another recommendation concerned the loyalty of European Muslims to help their fellow Muslims in Islamic lands:

Since Muslims resident in Europe are linked to their brethren wherever they might be by means of religion and belief and as part of the Muslim nation, they share the suffering of their brethren subjected to oppression and violation of their rights... In this context ECFR states that ... it is not permissible for Muslims to support their brethren in illegal ways or cause harm to the societies where they live (ECFR Session 24 16– 19/08 / 2014 the 3rd Recommendation).

Jurists advised Muslims to keep their pledge of loyalty to the European countries and to use legal means to help fellow Muslims in Arabic countries. The loyalty to help fellow Muslims in non-European lands was limited by the recommendation above to help through legal means. In my view, it was because of the European concern for security even as Rafeek argues:

The presence of Muslims in the West may be for many individual reasons: study, employment or may be for international treaties of refuge and displacement. Whatever the reasons there may be, it is not acceptable and reasonable to accept some of these conditions and covenants when Muslims accept to live in the West and to refuse some other as it is not allowed for them to behave double standard at all, and this is what called cheating. It has to be both accepting these covenants and standing up to their requirements and obligations while enjoying their rights and fruits or they should not be accepted at all and not to be enjoyed by any means (Rafeek 2012:278).

The difficulty in the situations mentioned above lies, on the one hand in being European citizens (who must abide by the European laws) and, on the other hand, in being required to abide by the ordinances of Islam. The issue of this double loyalty is multi-dimensional and sometimes the ECFR gives contradictory advice as played out in the recommendations and the resolutions.

Further investigations in the field demonstrated an important finding in what the majority described as the necessity of distinguishing between what culture is to be adopted without damaging Islamic identity and what laws to prioritize when conflict occurs. It was reported by about 64% that if a clear contradiction exists between Belgian laws and Shari‘ah, they follow the Islamic rulings. About 16% of the informants reported that they consider loyalty to Belgian laws as of great importance and insisted that Shari‘ah, in this context, sets moral principles rather than laws against the secular laws of Belgium. 20% of the informants reported unconditional and absolute loyalty to Shari‘ah in all aspects. These three positions reflect Wassati, Liberal, and Salafi positions. I outlined their key principles concerning loyalty and dealing with conflicts in Table 9.2.

Wassati Approach represents 64% of informants	Salafi Approach 20%	Liberal Approach 16%
Distinguishing between what is culture to adopt from civic life and what are laws not to prioritise. The European norms and traditions are valueless if they contradict clear Islamic texts. An interest or a necessity might legitimise what is otherwise prohibited in order to accommodate secular laws.	Making fundamentalist unconditional stand referring to loyalty to Shari‘ah laws. When there is a contradiction, whether cultural or legal ruling, Islamic laws in the end should overpower secular norms and legislations. An interest or a necessity does not permit the prohibited.	Devotion to Belgian laws is of great importance. Shari‘ah rulings are limited to regulating religious duties. The autonomy of the individual allows interpreting the texts and permits more critical examination of the cultural traditions.

Table 9.2 Approaches to Loyalty and dealing with Conflicts

In sum, 37% of my informants were happy to find ways of permitting living in non-Islamic Belgium, while those who permit residence with non-Muslims in restrictive terms represented a significant majority of 63%. In addition, 64% suggested distinguishing between what culture to adopt from civic Belgian life and what are Islamic laws. 20% made a fundamentalist unconditional stand referring to loyalty to Shari‘ah laws insisting that if there is a contradiction, whether a cultural or legal ruling, Islamic laws, in the end, should overpower secular norms and legislation. 16% expressed devotion to Belgian laws as of great importance and Shari‘ah rulings are limited to regulating religious duties. Comparing these findings, concerning loyalty to Islamic regulations and dealing with conflicts with the results in the previous section (referring to laws in non-Islamic Belgium), the results were: Salafi and Wassati positions were almost identical. The Salafi results were 20.40% / 20% and 64.80% / 64% on the Wassati approach. On the Liberal side, the findings showed a variance of 14.80% / 16%. The last of these indicated that some of the Liberal voices were similar about their stay in Belgium, while their position regarding loyalty and dealing with conflicts differed.

9.3 Non-Islamic Practices

This category of conflicts explains what my informant described as issues imposed on them regarding mainly financial matters and the public behaviour of the majority.

9.3.1 Financial Matters

In Shari‘ah, there is a branch of Islamic jurisprudence that deals with commercial and business activities. The branch of *fiqh al-muamalat* (transactions) refers to Islamic commercial jurisprudence. It demonstrates that Shari‘ah has set several rules regulating finances. (Al-Shamrani: 2014).

This branch of Shari‘ah explains to Muslims their rights and obligations concerning finances. Al-Qaradawi dedicates a long section of his book, *The Lawful and the Prohibited in Islam* to the study of financial matters (Al-Qaradawi 1969, 2003:252-289). He informs us that the Islamic finances are based on the prohibition of *riba* (usury or interest), *gharar* (contractual ambiguity of fixed interest), and *maisir* (speculation or gambling) and he supports his arguments by religious texts (2:275-281, 3:130, 30:39, 4:61). He further informs that:

Islam permits increase in capital through trade (4:29). At the same time, Islam blocks the way for anyone who tries to increase his capital through lending on usury or interest (riba), (2:278-279). The Prophet (s.a.w.s.) declared war on usury and those who deal in it (Al-Qaradawi 1969, 2003:264).

Al-Qaradawi argues that both the Qur'an and the Prophetic Traditions forbid usury. Accordingly, dealing in financial business must be in accordance with this principle of the Shari'ah. European conventional banking relies on different regulations. They imply the giving or receiving of interest, which are prohibited in Islam. Loans are based on the borrower repaying the loan plus a fixed interest to the bank. Non-Islamic banking practices such as the taking out of loans for mortgage, and self-employment projects were perceived as non-Islamic by my informants. In the Islamic context, al-Qaradawi insists that parties, the lender and the borrower, who deal in interest, will be guilty of sin:

Islam, with its characteristic method of dealing with the haram, does not confine the sin to the lender on interest alone; it considers the borrower who pays him interest, the writer of the promissory note, and the witness to it to be among his accomplices. A hadith says: Allah has cursed the one who takes interest, the one who pays it, the one who writes the contract, and the one who witnesses the contract...if a person is driven to borrowing money due to some pressing need, the sin will be on the lender alone (Al-Qaradawi 1969, 2003:267).

Nevertheless, it is interesting that the ruling exempted the person who is in need. In this case only the lender, if a Muslim, will be guilty of breaking the Shari'ah ruling. In line with the view of al-Qaradawi, the ECFR issued *fatwas* and resolutions to regulate financial matters:

Financial transactions in non-Islamic countries should be based on Islamic Shari'a in terms of permissibility and prohibition unless there is a recognized necessity that provides justification, it is not permissible to use this opinion to justify financial transactions and contracts proven to be impermissible (ECFR Session 18, 01 – 05 /07/2008 Resolution 1).

Like the ruling explained by al-Qaradawi, a recognized necessity justified the action as suggested by the ECFR. Their exception is based on the Wassati approach to help Muslims. They make Muslims aware of the conditions that might justify borrowing money with interest. Al-Qaradawi gives further clarifications:

The need must be real. It must be so basic that life is not possible without it, for example, food, clothing, and medical treatment. This concession is limited to the exact amount needed. The borrower must continue to search for ways to escape from his predicament, and his brother Muslims should help him in this. If no other means are found, he can resort to borrowing on interest with no intention of liking it or transgressing the limits and hope for forgiveness...He must continue to hate it and regret doing it until Allah opens a way out for him (Al-Qaradawi 1969, 2003:267).

The explanations by al-Qaradawi refer to a basic necessity to borrow only what is needed and the borrower must hope that Allah opens a way out. The needs and necessities change the forbidden to become permissible.

The communities demand a great deal of help. Financial matters related to banking practices constituted a large section of the ECFR's *fatwas* and resolutions. The communities did not only demand advice for those who deal with non-Islamic finances, but also for those who work in its institutions. The ECFR issued the following resolution regarding working in European insurance companies:

Working at commercial insurance companies is not permissible. Nevertheless, there are four exemptions: Necessity and urgent need perceived as a necessity. For instance, if a Muslim does not find any other suitable job or if he is aware of the Islamic rule in this regard while working at insurance company and he cannot find any other suitable job. If a Muslim is a specialist in insurance and cannot find a job in his field except in these companies. If his work is limited to administration or office work and he is not involved in contracting or marketing. The above three exemptions are permissible provided: He has explored every avenue to find a permissible job but failed. His work at a commercial insurance company is to gain experience. That he intends to vacate the job once he finds a permissible alternative (ECFR Session 18, 01 – 05 /07/2008 Resolution2).

A conditional resolution like this one issued by the ECFR may help Muslims who wish to work in commercial insurance companies or similar financial institutions. It bases the ruling on Wassati principles. The necessity makes permissible what otherwise is forbidden. Nevertheless, a different group issued a *fatwa* reflecting a different position forbidding working in a bank:

It is not permissible for a Muslim to work in a bank that deals with *riba*, even if the work that the Muslim does has nothing to do with *riba*, because he is giving the employees who do work with *riba* with what they need and he is helping them with their calculation of interest (Islam Question and Answer: islamqa. 26771).

This position forbids jobs dealing directly or indirectly with *riba*. The ruling is based on a principle belonging to the Salafi position: what is forbidden remains forbidden regardless of time and place. The Wassati position, as presented by al-Qaradawi and the ECFR, indeed helped the Muslim communities, while the rulings based on the Salafi position forbidding contextualization further isolated Muslims from others in Belgium. Working in Belgian financial institutions was not a problem, but banking transactions were reported problematic by my informants.

An informant told me: "I have been working in a Belgian bank for 15 years. I am well paid, and I do not think that I should look for another job" (Informant 72). But bank transactions and taking out of loans were reported as problematic transactions. Some informants reported experiencing struggles as they were obliged to open personal bank accounts. They had to handle financial transactions in non-Islamic banks. One of them managed to have a personal account in a Moroccan Bank offering interest-free banking but was obliged to carry out bank transactions via Belgium Banks: One reported: "I found an alternative *halal* financial institution; I have my personal account

in the Moroccan bank in Brussels, but I have to make transactions paying bills to accounts in Belgian banks and as such this alternative did not solve all my dilemmas” (Informant 14). “There never will be sufficient Islamic alternatives to solve all our needs in Europe” (Informant 48). A leader said: “it becomes a pressing need for resolutions to cater for this dilemma” (Informant 85). The following three testimonies describe some voices of my informants who were obliged to take out non-Islamic loans. The first, who is self-employed, said:

I hold a diploma but could not find a job. I had no choice but to establish my own business. To start a project, I needed to take out a loan from a bank. I have no choice but to take it from a Belgian bank. I had to pay interest *riba* which I know that it is not allowed in Islam. I took the loan hoping that Allah forgives me (Informant 104).

My informant succeeded in obtaining a diploma, but it was difficult for him to find a job. Self-employment offers a new hope for him, but he faced the challenge of finances to establish his business. He took a loan from a Belgian bank and hoped for forgiveness. When I asked him whether he obtained a *fatwa* justifying his action, he told me he knew a friend who obtained a *fatwa* in similar circumstances. The second was also self-employed. He reported:

I know that taking out loans from Belgian banks was not allowed according to the teaching of Islam. I had no other alternative: I needed to buy machines to start a bakery shop, I asked family and friends to help but it was not possible. She added I also took a loan to buy a home for my family (Informant 105).

The informant searched for Islamic alternatives to finance her project. “I am aware of the problem, I could obtain a *fatwa* justifying my action to buy a home for my family, but nothing was offered to help me in my project” (105). She added “I tried to borrow money from my family or friends to avoid the taking out of loans with interest, but it was not possible I hope a jurist would help us.” The third shared the following testimony: “I had to take out a loan with interest to finance a project. I needed to feed my family, but I could not find a job in the mainstream market. I planned to start an internet and telephone communications shop” (Informant 106). The informant had to feed his family and took out a loan to establish a project. He added: “My local *imam*, who knew the situation and our financial situation, told me a conditional necessity like the one I faced should be enough to justify taking out a loan with interest. The advice of the local *imam* was exceptional” (Informant 106). Informant (107) had a different view. He was also self-employed of the second- generation, and he had no problem in taking out a loan:

Whether in Europe or in Muslim countries all banks in a way or another are connected and cooperatives and as such there is not much difference between them. In addition, earning interest and paying interest is perfectly acceptable, as the Quran has not prohibited interest. The Quran forbids usury, not interest (Informant 107).

In his view, usury is limited to unnecessary excessive interest and that is the reason why it is forbidden. When I told him that his view was different from others, he related a Prophetic Tradition. He explained: “the Prophet made exception if the trade was not in the same kind”, He quoted the Prophet advising: “Gold for gold ... dates for dates and salt for salt, the like for the like... (But) if the kinds differ, then sell as you may like it from hand to hand” (Informant 107). However, he could not locate the tradition. Later, I investigated the tradition to clarify his view. The Traditions reports as follows: “Allah's Apostle said, ‘Don't sell gold for gold unless equal in weight, nor silver for silver unless equal in weight, but you could sell gold for silver or silver for gold as you like’” (Sahih al Bukhari Volume 3, Book 34, Number 383). A further explanation was reported in Sahih Muslim:

Abd al-Rabman b. Abia Bakra reported on the authority of his father that Allah's Messenger (may peace be upon him) forbade the sale of gold for gold, and silver for silver except equal for equal, and commanded us to buy silver for gold as we desired and buy gold for silver as we desired. A person asked him (about the nature of payment), whereupon he said: It is to be made on the spot (Sahih Muslim Book 010, Number 3861).

The Qur’anic text may have closed all possible ways to further interpretations to Surah 2:275 in which Allah has forbidden *riba* with the consequence of serious threats of punishment for those who deal with it. However, the Prophetic Traditions open a door to further study the definition of *riba*. Accordingly, jurists applied different interpretive consideration for the definition of *riba* itself. *Riba* was classified and illustrated as *riba* in the context of loans and *riba* in trade:

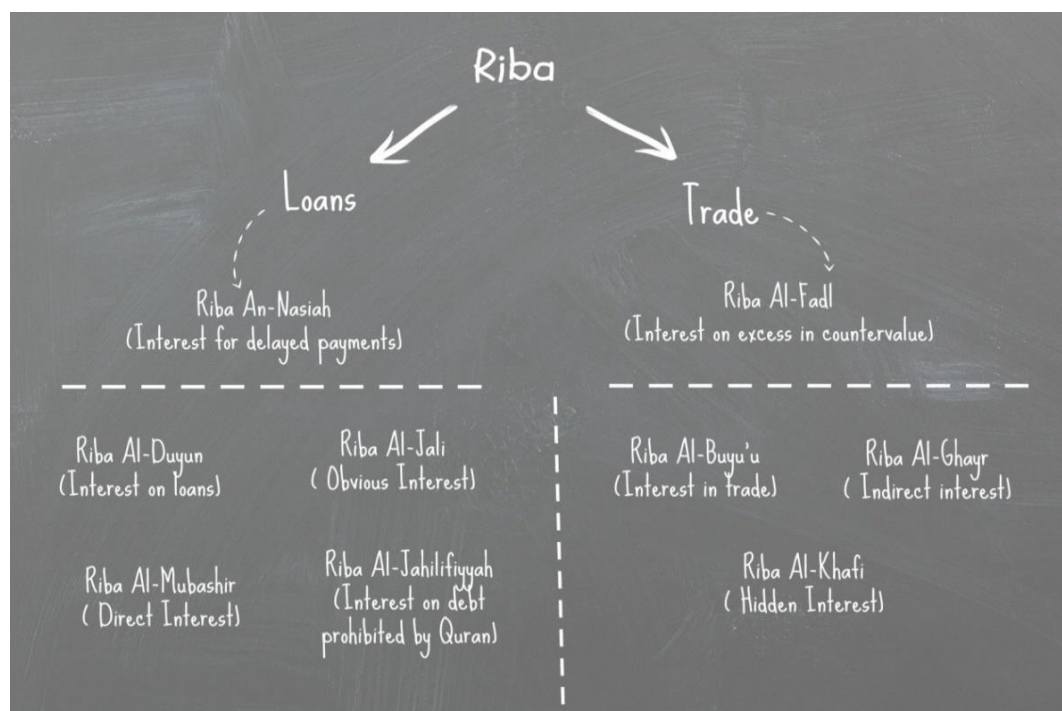


Figure 9.1 Classifications of *Riba*
(Adapted from <http://blog.yurizk.com/classification-riba-islamic-finance>)

One view evolved from the debate on the definition of *riba*:

The controversy in its contemporary form turns on the definition of *riba* itself, whether the *riba* merely attached to profits obtained through interest-bearing loans involving exploitation of the economically weak by the strong and resourceful, or through all kinds of loan irrespective of the purposes; whether the prohibition is the form of *riba* practised in the pre-Islamic period; whether it prohibits usury but not interest or it prohibits the charging of interest altogether; whether it relates to loans for consumption or investment in a business venture; whether it prohibits nominal or real interest; whether the prohibition applies to compound or simple interest; and whether the ban relates to the borrower as individual or institution (Ahmad and Hassan January 2007).

There is nothing wrong with circulating and investing capital if the capital is invested in a *halal* trade or business. The profit shared between the owner of the capital and the worker is *halal* and not *riba*. This is a profit-sharing and there is nothing wrong with it if the capital is kept distinct from the profit. An interesting conference (CILE 2012)² was held in Brussels to further develop this theory. Papers were presented including different positions on the concept of *riba*:

The essence of *riba* in its two kinds of debts and sales, and irrespective of forms and types (little or much) is prohibited, Sharia does exempt exceptional cases of necessity of *riba* from sin within certain specific restrictions and conditions that fulfill the legally-considered norms necessity within the Sharia (Abozaid 2015 Pdf).

Al-Judai explains a different view:

What exactly is *riba*; is it confined to the literal meaning of the term *riba*, as revealed in Arabic form in the Quran? If we accept the possibility of being allowed to fathom out the definition of *riba*, then we can consider to what extent the literal meaning of *riba* is harmonious with the objectives of Sharia, which, in principle, argue for the permissibility of all financial transactions.... This brief introduction makes it clear that when Islam forbade *riba*, it was referring to a customary common behavior regarding an exact and indisputable concept (Al-Judai 2015).

The problem of clarification of what *riba* is remains. Jurists did not settle the dispute and failed to resolve what exactly *riba* is and why it must be decisively forbidden (See Razi 2008). In addition, the problem concerning loans for the self-employed remains problematic. The jurists refused to apply the Wassati principles in this context.

In a different context, while shopping in a Moroccan bakery in Brussels, I saw a box to collect money for charity. What was written on the box caused me to inquire from the owner: "What does it mean, 'purify your income?'". He handed me a *fatwa* (a copy is in Appendix 8.1) that suggests to Muslims to give to the Muslim poor what they profit as interest from Belgian banks.

² CILE: The Centre specializes in Islamic Legislation and Ethics with a focus on applied ethics in the fields of: Methodology, Arts, Environment, Economics, Education, Food, Gender, Media, Bioethics, Politics, Psychology, and Migration and Human Rights. It is a member of the Qatar Faculty of Islamic Studies within Hamad Bin Khalifa University of the Qatar Foundation.

I noticed that the box was full of money, and he told me that there was a bank account number mentioned on the *fatwa* to make direct bank transactions (Personal note 09/01/2016). This *fatwa* made me ask: “Could what is forbidden be used to help the poor?” I investigated whether this *fatwa* represents a single position or a collective one. I found a similar *fatwa* issued by the ECFR allowing donations for charity from money earned from usury that is normally prohibited in Islam:

Yes. It is permissible to accept donations from individuals, organizations or governments, whether they be Muslims or non-Muslims, even if we have an over-riding suspicion in the means by which they accumulated their money, unless they donated an item which is explicitly Haram, such as pork or alcohol. The majority of scholars believe that this is similar to accepting a gift. However, as soon as these funds become in our possession, they must be used subject to Islamic Shari’a rules (ECFR Session 2, 09-11/11/1998) *fatwa* 12).

The ECFR gave a *fatwa* to answer this question:

Some wealthy individuals whom have accumulated their wealth by suspicious means sometimes offer to build a mosque, or to contribute in the building of a mosque. Should we accept these donations? Should we also accept the donation or contribution of a non-Muslim organization or establishment towards the building of a mosque?

This *fatwa* extends the permissibility to accept donations given by individuals, organizations and non-Muslims, regardless of the means by which they accumulated their wealth. In addition, the ECFR gives a general ruling allowing Muslims to deal with contracts, including involving usury in non-Muslim countries:

Prohibiting usury is a matter that concerns the host non-Muslim countries, and which Muslim communities can do nothing about. It has many things to do with the socio-economic philosophies of the host countries. However, in these countries what is required of the Muslim is to establish the Shari’a rulings in matters that concern him in person such as the rules that govern acts of worship, food, drink and clothes, marriage, divorce, inheritance and so on. If Muslims choose not to deal with these invalid contracts, including contracts involving usury in non-Muslim countries, this would weaken them financially. Islam is, however, supposed to strengthen Muslims not weaken them, increase rather than diminish them, benefit and not to harm them (ECFR Session 7, 24-28 /02/ 2001: justifications for *fatwa* 27).

Dealing in usury is normally forbidden by the texts, but necessity or the reality of profit, made it permissible, even to the extent of being used for building prayer houses. Furthermore, for the same reasons, taking out loans for mortgage was settled by the ECFR. It sets a conditionally permissible ruling:

The house to be bought must be for the buyer and his household. The buyer must not have another house. The buyer must not have any surplus of assets that can help him buy a house by means other than mortgage... Buying an own house also helps the Muslim family to modify it to accommodate their social and religious needs. Besides all these individual benefits, it helps the Muslim community, being a minority, to free themselves from the financial pressure that renting accommodation often causes and focus their attention to the call to Islam and help the host community (ECFR Session 7, 24-28 /02/ 2001 *fatwa* 27).

This permission, as explained by the ECFR, was based on two principles: the necessity and the benefit to the community. However, loans for purposes other than mortgages were treated differently: “It is permissible for Muslim students in Europe to avail of students’ loans, offered by European countries to European citizens, to pay their study fees and cover their life cost provided they are interest-free interest-loans” (ECFR Sessions 4, 27-31 /10/ 1999, Resolution 17).

A similar resolution was given in the context of the self-employed. The position of the ECFR was, in general, to consider the needs of European Muslims permitting a conditional resolution to help them in dealing with European finances. As an alternative, the ECFR encourages Muslims to establish their own financial institutions or to enter negotiations with European banks to establish branches in conformity with Shari‘ah. Another alternative was introduced by the ECFR encouraging Muslims in the West to use financial institutions in Muslim countries:

A number of Islamic banks began to issue Visa according to ‘Islamically’ acceptable agreements, which are void of all interest payments, such as the Kuwaiti Finance House. We believe that it is entirely permissible to use these credit cards. However, the question remains regarding such agreements in non-Muslim countries and in countries which do not have Islamic banks. We believe in the view of many contemporary scholars that the usage of such credit cards is acceptable due to the great need and overwhelming advantages of using them (ECFR Session Second 09-11/10/1998 *fatwa* 13).

Muslim leaders in Belgium appear to be aware of the presence of these challenges and are seeking to address them. The director of the Brussels Centre told me that many Muslims seek help at the Centre or from the Council of Muslim Theologians concerning financial matters, especially loans with interest for mortgages. The demand for help is so great that they set up two departments to help (Informant 86). He added: “The establishing of alternative Islamic financial institutes has been a concern for Muslims all over the world.” When I investigated his remark, I found that there were some conferences and research papers searching for alternatives.³ According to Caeiro, “The importance of financial issues in the organization of Muslim life in Europe seems to have been largely neglected in the scholarly literature” (Caeiro 2011:149). Caeiro made me aware that the establishment of Islamic finance is still at a fairly embryonic stage in Europe. The issue was confirmed by Deloitte (Deloitte 03/04/2014). In addition, there were some efforts to raise awareness about the needs for Islamic banking in Belgium.

³ 3rd Islamic Banking Summit Africa 4-5 November 2014, Djibouti and the 13th Annual Islamic Finances Summit, 10-12 February 2014, Marriott Grosvenor, London are some examples looking for alternatives to what the market offers in the West.

On the 7th December 2017, the Catholic University in Leuven organized a conference on Islamic Banking. The ECFR expressed a similar concern: The Council, therefore, invites the Muslim community to do its utmost to seek Islamic alternatives such as Murabaha (sale at a profit), which is practised by Islamic Banks. They should avoid doubtful matters to the furthest extent possible... It encourages them to establish their own construction companies that can build houses and sell them to Muslims with relaxed, less strict lawful ways of payments. The Council calls upon Islamic organizations throughout Europe to enter into negotiations with European banks to find formulas that are acceptable to the Muslim buyer (ECFR Session 4, 18-22/10/1999, introduction to fatwa 2).

In sum, the findings from the field and from the secondary literature demonstrated different positions. Some scholars forbid the notion of dealing in non-Islamic finances, while others permit it conditionally whereas, at the same time, advising Muslims to search for Islamic alternatives.

Those who work in jobs dealing in *riba* were advised to look for different jobs that do not demand dealing with what is prohibited. The findings, as reported by the informants, were slightly different. There were those who carried out bank transactions or took out loans from non-Islamic banks out of necessity or for what they considered to benefit their families. Others looked for Islamic alternatives before considering the Belgian banks. A third group represented those who did not consider dealing with the prohibited, such as working in a Belgian bank, as a problem. Besides, there was another theme of struggles suggested by jurists. This concerned the Belgian government's imposition of the system of insurance. The European laws impose insurance regulations to protect the public interest. The European regulations assume that the insured pays a specified premium depending on the type specified in the insurance policy. The insurance companies keep the premiums received and if some calamity occurs, the insured are paid the agreed sum. The protection is always uncertain as to its amount as well as its actual time of happening. Islamic insurance applies different rulings:

The Islamic alternative to conventional insurance is *takaful*, which is based on the idea of social solidarity (*Tabaru*), cooperation (*Taawun*) and joint indemnification of losses of the members. Thus, *takaful* is permitted by the consensus or agreement of the Muslim community (*Ijma*), which is considered a secondary source of Shariah, because it is a contemporary issue, and not mentioned in the Quran and Sunnah. (Al-Shamrani 2014:118).

Islamic insurance is based on solidarity between Muslims. Each has its agreed regulations. According to al-Qaradawi, any Islamic insurance company should be formulated by solidarity groups based on specific religious rulings:

Every member who pays his allotted share of money pays it as a donation, in the spirit of brotherhood. From this pool of donations help is given to those who are in need. If any part of this money is to be invested, it should be invested in halal businesses only. It is not permitted to the member to donate his share on the condition that he will receive a predetermined amount in the event of an unforeseen calamity. Rather, he will be paid an amount which will compensate his loss or a part of it, depending on the resources of the group, from the pooled monies (Al-Qaradawi 1969, 2003:275).

The allotted share is not equal between all members but depends on the social status of the members. The rich pay more than the poor. No predetermined payment is formulated. In event of calamity, the member is paid a sum enough to compensate the loss. Above all, in case of investments, it must be in *halal* business. He also suggested the possible use of money collected in *zakat* (charity):

The greatest form of insurance which Islam has legislated for its followers among those deserving to receive zakat funds relates to the category of gharimeen (those in debt). Some of the early interpreters of the word gharim say, "It denotes one whose house has burned down or whose property or trade has been destroyed by flood or other disasters." Some jurists hold that such a person may be given, from the zakat fund, an amount which would restore his previous financial position, even though the amount may reach thousands of dollars (Al-Qaradawi 1969, 2003:277).

Comparing the European system with the Islamic, the prohibition of European insurance did not apply to the goals and objectives of insurance but rather to the way their contracts were formulated. Islamic insurance is not based on fixed premiums or prefixed conditions between the company and the insured.

With the absence of an Islamic alternative and the obligations imposed by society, the challenge is great according to jurists:

We take into consideration the unlawfulness of commercial insurance (that is based on fixed premiums without giving the insured a share of the profits of the firm or charging him for its losses), and the lawfulness of cooperative insurance (that is based on regular cooperation among the insured who will exclusively receive the profits, if any; the firm's role being only conducting the insurance portfolio and investing its assets). But there are cases and environments that require finding solutions to special situations and meeting their requirements. Therefore, the Council gives the fatwa that commercial insurance is permissible in cases of legal obligation and some cases of health or study insurance, etc., The Council urges wealthy and intellectual men to try hard to establish Islamic financial institutions, such as Islamic banks, and Islamic firms for cooperative insurance as far as possible (ECFR Session 6, 28/08-01/09/2000 Resolution 7).

The ECFR issued a balanced resolution: in the absence of Islamic alternatives and the potential risk if not insured commercial insurance became permissible. What society imposed becomes permissible even when it contradicts important religious rulings. After deliberation on the issue of health insurance, for example, the ECFR resolved the following:

Individual and group health insurance should be conducted in collaborative insurance companies, if available. Where such companies are not available, it is not forbidden for Muslims to have health insurance in commercial insurance companies since it is a necessity (ECFR Session 20, 24– 27/06/2010 Resolution 2).

However, what jurists considered as problematic in the context of insurance regulations was not reported by my informants as a significant issue in the my fieldwork. One said: “During the time of the Prophet, life was simple and there was no need for this demands.” (Informant 61) Another told me: “I am not aware of any ruling concerned with insurance.” When I informed him he said: “If we are to handle finances this way the salaries we receive and our earning are not in conformity with the demends of Shar’iah. We have no choice but to go back to our lands of origin” (Informant 45).

9.3.2 Cultural Behaviour

The informants also reported differences between Islamic culture and that practiced by the majority that cause a cultural conflict. They reported two categories of differences. One category represented some aspects of collective social behaviour practised by the majority and disliked by Muslims. Concerning the culture of the majority, research informants reported disliking drinking in public, women’s dress codes and opposite sex relations. The second category concerned some practices desired by Muslims but disliked by the majority. They were due to some religious and social collective expressions such as women’s head-cover, the dress code that Muslims desire to practice in order to construct their identity and to maintain their values symbolically and publicly. When I asked why they disliked the cultural behaviour of the majority, 65% reported they are different from the Islamic culture. In addition, they are presented not as private matters but are exposed in public and on media, as such, may influence the Muslim children. Most importantly, the second generation, those who were born in Europe, reported a higher ratio in cultural conflicts concerning this public behaviour of the majority than their parents (69% to 61%). When I asked one of the leaders about this finding, he answered: “The second generation has more interaction with their environment through media education and relations with non-Muslim mates” (Informant 87). Muslims hoped that European women would dress modestly. Ethnic groups expressed diverse measures on the issue. Moroccans came first on the scale at 73.5%. Among the Turks the ratio was 50% and it was 71.6% among other ethnic groups.

Hellyer describes the West-Islamic encounter as possessing challenges both for the Muslim population and for the wider European population. “Western political philosophy... is simply the multiculturalist debate... trying to cope with diversity... Muslims define their norms in reference to law; their legal heritage is the relevant parallel to this debate” (Hellyer 2009: 7).

Touraine saw the situation from a different angle: “groups previously defined on the basis of their nationality, ethnicity or religion, which had existed only in the private sphere, are acquiring today a strong public existence” (Touraine 2005: 235). Abou El Fadl explains his view of the problem as follows: “Many jurists made the permissibility on such residence [in non-Islamic lands] contingent on the ability to practice Islam, without specifying the extent to which Islam must be manifested or practised” (Abou El Fadl 1994: 172). According to Abou El Fadl, jurists must be more precise and detailed in their explanations. I found a *fatwa* issued by the ECFR that might support the claims of Abou El Fadl:

Muslims have the right of practicing their religion in private and public arenas...Following is the foremost principles preached by Islam pertinent to the issue of religiosity in European context: Abiding by religious rituals as individuals and groups while observing contextual norms and circumstances in a way that does not violate definitive Islamic rules; Providing Islamic guidance for Islamic religiosity so that it might be founded on authentic *fiqh* aware of priorities when it comes to obligations and prohibitions setting equilibrium between actions and objectives and the intrinsic and extrinsic and adopting an approach of facilitation and removing hardship; The Muslims’ duty of exerting efforts to enlarge the circle of social communications, reflect the true image of Islamic religiosity and clarifying the Islamic principles through various means in a way that accomplishes reciprocal openness and recognition (ECFR Session 25, 16-19/10/2014 *fatwa* 2).

The *fatwa* offered advice, but it did not present a framework explaining how to apply its principles in day-to-day life. There was not much to encourage Muslims to respect the culture of the majority. On the other hand, jurists advised Muslims to look different than non-Muslims. Al-Qaradawi explained:

A large number of jurists consider shaving the beard to be haram especially because it is for the purpose of being different than non-Muslims some modern scholars permit the shaving of the beard but the truth of this matter is that growing the beard is required not merely because the Prophet (peace be on him) had one but because he explicitly commanded it in order to maintain the distinction from non-believers (Al-Qaradawi 1960, 2003:95).

He reported different opinions on shaving the beard. In a different context, he detailed the issue providing both men and women with juristic rulings on how to look different from non-Muslims:

To make the Muslims different from non-believers was the aim of the law giver... Gold and pure silk are haram for men gold ring, gold watch, gold teeth. Silver rings are permitted transparent and tightly fitting clothes perfume and hair style to attract men or undergoing surgery for beautification...Artificial hair or hair wigs are haram for women. Men may use henna [Red Colour] to cover white hair (Al-Qaradawi 1960, 2003:79-96).

The bottom line in the view of al-Qaradawi is the obligation for Muslims to look different. However, he did not offer any alternative in cases of conflict when opposed by the culture of the majority. Consequently, the public identification to maintain religious identity was of great concern to him.

Likewise, the women's headscarf *hijāb*⁴ became a subject of debate. Different kinds of veils were suggested. Some were limited to covering the head and neck, leaving the faces clear. Another kind covers more of the body stopping at the waist. The *burkha* is the most provocative type. It is a loose outer garment that covers the entire body, including a mesh screen covering the eyes. The purpose of all this is to veil what women are not permitted to expose in public. Al-Qaradawi explained:

They [Women] should...not display their adornment, except that which is apparent of it. (24:31) The adornment of women includes both natural features such as the face, hair, and other attractive parts of the body, and artificial enhancement of beauty, such as the dress, ornaments, make-up, and the like (Al-Qaradawi 1969, 2003:156).

Al-Qaradawi reported that there is some difference of opinion among scholars concerning the extent of this exception; the entire body or only her face (Al-Qaradawi 1969, 2003: 154-161). According to him, however, the cultural behaviour is rooted in the texts. In the context of the ECFR, they encourage Muslim women to practice what they call religious obligations:

Covering her head is a religious obligation which is decreed by Allah (swt) and His Messenger Muhammad (ppbuh) and agreed in consensus by the entire Ummah... Thus, Allah (swt) decreed this modesty upon the Muslim woman so that she is easily distinguished from the non-Muslim and from the non-obedient. Her mere clothing gives a clear signal that she is a serious and obedient woman, which deters all those that may have illness in their hearts (ECFR First Session 27-30/03/1997, *fatwa* 6).

In another context there was a *fatwa* to help a European lady converted to Islam concerning her appearance as a Muslim. The question was: If a newly converted Muslim sister suffers great difficulty in wearing a head-cover, must we command her to do so regardless, even if that threatens to eventually completely deter her from Islam? The ECFR calls to keep the balance between what they define as big harm and lesser harm:

Despite the head cover (or *hijab*, as is called today), being an obligation upon all Muslim sisters, it remains a secondary branch of religion. Therefore, if being strict in this matter will ultimately lead to the sister turning back on the major principles of Islam, or indeed, Islam entirely, it is extremely unwise to make a person leave a basic principle and a pillar of religion for the sake of a secondary matter, never mind leaving the religion in its entirety (ECFR first Session 27-30/03/1997 *fatwa* 6).

The ruling suggested that the head-cover is a religious obligation. However, as the question concerned a European Muslim convert, the *fatwa* suggested that other Muslims should treat her in a lenient and gentle manner.

⁴ Different names were given to women's head-cover: *veil*, *niqab*, *al-amira*, *chador*, *khamar* or *burka*.

There is a lot to learn how the Islamic ruling applies in the context of European converts to Islam, but I leave this to future research. In sum, the issue of the headscarf was the top priority for females as a public symbol of Islamic identity. The importance of the discourse on women's head-cover can be gauged from the following: It was mentioned by 42.85% of the second-generation female while 44.44% of the first generation mentioned it. The first generation came slightly higher on the scale which suggests the issue was less important for females from the second generation.

Concerning Belgian policy, there is no code for uniform except the general regulations of specific uniforms depending on the job.

Concerning women's head-cover, the Home Affairs Committee of Brussels Federal Parliament voted unanimously to ban partial or total covering of faces in public places and the Belgian Lower House of Parliament approved a bill to ban wearing the full Islamic face-veil in public (Apr 29, 2010). The European Court of Human Rights said banning full or partial face-veils is necessary in a democratic society (July 2017 Archive 533409). The issue became a subject of public debate:

Overall, European governments may be legally entitled to limit women's rights to wear Muslim veils but banning them altogether may be an infringement of such individual rights as privacy, expression, personal identity, and freedom to manifest one's religion, which are also European traditions. Muslim organizations argue that women should have the right to express themselves freely and not to be discriminated on the basis of the religion and the symbols they wish to wear in public places (Piatti and Tasch Jan. 2015:29).

Many European countries banned the covering of women's face and this became a subject of public debate which still continues.⁵ Looking at the issue in the wider European context, security was a main concern, while Muslims see it as one of the fundamental principles underlying their rights and discriminating against Muslim women. In Belgium and indeed in Europe, one of the fundamental principles underlying human rights is that of equality in dignity and rights (Handbook on European non-discrimination law: 2018). Discrimination, however, occurs when people in the same situation are not equally treated because of their ethnicity, colour, or social origins, their religion, language, gender, political positions, sexual orientation, age, state of health and so forth for no objective reason according to the Council of Europe, Protocol No. 12 to the European Convention on Human Rights adopted in 2000. It prohibits any form of discrimination by a public authority on any grounds.

⁵'To know where in Europe' Foster, Alice, Wed. Dec. 07/2016 in *Express: Home of the Daily and Sunday Express*.

There is also an Additional Protocol to the Convention on Cybercrime, which was adopted in 2003, concerning the criminalization of acts of a racist and xenophobic nature. In practical terms, citizens in the same situation are not to be treated differently because of their ethnicity, colour, or social origins, their religion, language, gender, political positions, sexual orientation, age, state of health and so forth for no objective reason. Many researchers have studied the issue. The acceptance of minorities' public symbols and religious expressions by the wider majority was a subject of interest for many (Phalet 2002, Phren, Phalet and Edouw 2003, Swyngedouw 2008). They suggest the encounter between the Islamic and the European cultures is a multidimensional and complex phenomenon that is not yet settled. Any challenge or question from the majority is interpreted in terms of a threat against cultural and religious identity and is branded as discriminatory. It was suggested by Klein that Muslim identity implies that one is able to claim desired images, positions and self- understanding in a variety of contexts and especially in public spaces. Being a Muslim is often a more challenging issue in public than in private life (Klein, 2007).

The particular behaviour that immigrants may consider forming and negotiating their ethnic cultural identity was a subject of interest to Akgönül (Akgönül 2013). Marechal too has studied the questions concerning the possibility and the legitimate settlement for a minority's ethnic and religious belonging from a Muslim perspective (Marechal 2011).

Verkuyten and Ali Yidiz argued that the possibilities for being religious in the way that one wants depends on social conditions and the acceptance by others. In conducting a study in the context of Dutch Muslims, he said:

It is difficult for Dutch Muslims to maintain a positive religious identity without acknowledgment and respect by the Dutch majority. Muslims can see the wearing of a headscarf as expressing and thereby consolidating their religious identity. Yet, in some situations there is public disapproval, or even a legal banning, of the headscarf (Verkuyten and Ali Yildiz 2005: 437).

Putnam and Campbell studied the role of religion in the non-European context of the United States (Putnam and Campbell: 2010). They attempted to explain the co-existence of religious diversity and how American society has solved what they called, "the puzzle of religious pluralism". They arrived at two interesting findings: The co-existence of religious diversity is attained through a high degree of "bridging" that is, through people of different faiths in one's social network. They reported that this kind of network leads to "a more positive assessment of other religious group." Second, in their survey, they found that the theological contents of a faith are not the only

determinant of the behaviours of that faith's followers, rather, such contents could undergo transformation as a result of the development of social relationships with 'others'. For this reason, an attempt to fix the relationship between different faith communities cannot start with a call for a reinterpretation of their respective holy scripts, rather, it should start with changing the nature of the social relations.

It is relevant to examine the extent to which such views prevail in Europe. Furthermore, there was some concern regarding the culture of the Muslim second generation. Jurists, from abroad, call for what they define as an Islamic cultural action to bridge the cultural gap between Muslims who settled in Europe and their communities in their lands of origin. They specifically aimed to immunize the new generations of those who settled outside the Islamic world against cultural assimilation and loss of their Islamic identity (Islamic Educational, Scientific and Cultural Organization, ISESCO: Morocco 2000). This particular conference set a framework to guide Muslim immigrants to accomplish this goal. It emphasized the role of culture in preserving identity of Islamic immigrant communities.

The conference introduced the following framework for cultural action to serve as a reference for cultural centres outside the Islamic world:

To raise awareness of the principles of Islamic cultural identity against the pitfalls of ideological and political trends which do not match Islamic civilizational identity; Awareness of the spiritual and moral dimensions: This is manifested in laying down the background and objectives, and specifying positions according to the relevant variables, needs and challenges; Emphasis on the principle of cooperation: Cooperation and coordination among cultural centres and Islamic associations; Rising to the challenges facing the Islamic *Ummah* by calling upon the Muslim world to review the foundations, plans and objectives of the Islamic cultural action; Strategic work: Aware that civilizational projects can materialize only when based on effective plans and strategies in the cultural, educational and technological fields. (ISESCO: 2000)

Varied suggestions are proposed on the issue of cultural differences. The fear of discrimination caused by culturally and religiously appropriate behaviour caused some of my informants to be afraid of being treated differently, especially when looking for jobs. A significant minority, especially among the second generation, reported their fear of discrimination. They represented 17 % of the males second generation and 4% of the females second generation

There were no real stories of actual experiences, but the informants expressed fears. When I investigated the issue, I found that fighting racism and all forms of discrimination is one of Belgium's priorities. In 1993, the government established the Centre for Equal Opportunity and the Combat against Racism (CEOCR), an independent agency responsible for litigating all types of discrimination, including religious discrimination.

In addition, anti-discriminations laws were adopted in February 2003 (published in the *Monitor Belge*, [official Newspaper] 12 February 2003) banning discrimination because of gender, sexual orientation, race or national origin, colour, age and religion or belief. The official position upholds equal rights.

The issue of public behaviour in everyday interaction is multi-dimensional. In line with the literature, the empirical findings pointed at varied measures of struggles as reported by the different gender, generation and ethnic groups. The notion of cultural negotiation is not settled. Many of its related issues were not identified by jurists as a new approach and a sound methodology.

9.4 Unfulfilled Desires and Expectations

My informants also reported conflicts stemming from unfulfilled desires and expectations. They were reported as unfulfilled because they needed permission from the authorities and acknowledgment from the majority. I have outlined the key themes in Figure 9.2.

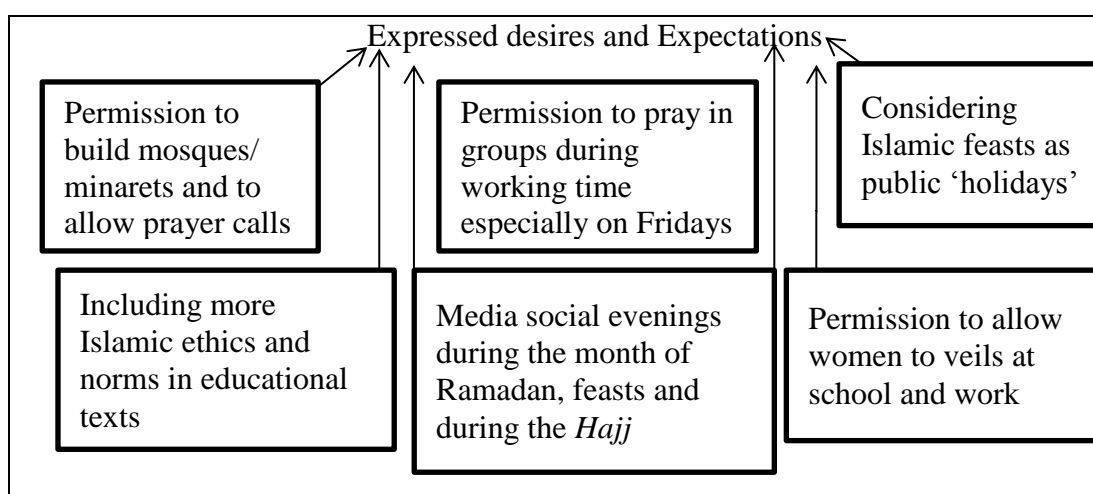


Figure 9.2 Expressed Desires and Expectations

Some of these issues were at the top of their priorities. The ritual prayers were the most important of all practices as reported by the informants. Consequently, the need for adequate places for worship and timely prayers were of great importance for the majority of the community. Informant 17 said, “Prayer is the first pillar of Islam after the *shahada* (creed) it is obligatory upon all since the creation and is a sign by which one becomes a Muslim submitting to Allah.” Another reported: “The five daily prayers were made obligatory upon the Prophet and Allah praises the believers who practise them” (Informant 53).

He recited Surah 23:1 “Certainly will the believers have succeeded. They who are during their prayer humbly submissive” (Informant 53). Informant (1) told me: “Prayer will be that first matter that I will be brought to account for in the day of judgement.” The importance of prayer was also reported as:

The importance of the prayers lies in the fact that no matter what actions one performs in his life, the most important aspect is one’s relationship to Allah, that is, one’s faith (imaan), God-consciousness (taqwa), sincerity (ikhlas) and worship of Allah (‘ibadah). This relationship with Allah is both demonstrated and put into practice, as well as improved and increased, by the prayer (Shaykh Muhammad Saalih al-Munajjid: islamqa.info/en/12305).

Accordingly, prayer is the most important action that one performs in life. In addition, prayers are a type of purification: “It keeps Muslims from great sins and evil doings” as reported by a female second-generation informant (Informant 9). Informant 21 recited Surah 50:56 “And I [Allah] did not create the jinn and mankind except to worship Me.” Informant 85 told me that prayer was one of the mandates that Allah ordered his Prophet to proclaim. He also referred to a prophetic tradition as follows:

Allah's Apostle said: I have been ordered (by Allah) to fight against the people until they testify that none has the right to be worshipped but Allah and that Muhammad is Allah's Apostle, and offer the prayers perfectly and give the obligatory charity, so if they perform a that, then they save their lives and property from me except for Islamic laws and then their reckoning (accounts) will be done by Allah." (Sahih Bukhari Volume 1, Book 2, Number 24).

In addition, he said that performing prayers is one of the duties leading to Paradise as the traditions also affirm:

It is narrated on the authority of Jabir that a man once said to the Messenger of Allah (may peace be upon him): Shall I enter Paradise in case I say the obligatory prayers, observe the (fasts) of Ramadan and treat that as lawful which has been made permissible (by the Shari‘ah) and deny myself that what is forbidden, and make no addition to it? He (the Holy Prophet) replied in the affirmative. He (the inquirer) said: By Allah, I would add nothing to it. (Sahih Muslim Book 001, Number 0017).

Prayers, in the ritual sense, is an obligation to be performed five times a day by Muslims. My informants spoke about their desire to construct more prayer houses as well as minarets for these prayer houses. They hoped also for allowance for public prayer calls and the setting of time during work for prayer in groups.

It was reported as an unfulfilled desire because the working laws in Belgium/Europe do not allow time during working hours for religious activities (Belgian Federal Public Services 38255). To resolve the problem, the ECFR advised Muslims to combine prayers together and performing Friday prayer before *dhuhur* (midday) or after the entry of *asr* (after noon) (ECFR 3rd Session 19-21/05/1999). Al-Qaradawi gives a similar view:

Islam is a Religion of ease, so it is permissible to combine two prayers, i.e., the Zhuhr (noon) and the Asr (afternoon prayers, and the Maghrib and the Isha prayers together. Whether by performing the second at the time of the first or by delaying the performance of the first to the time of the second on account of some legitimate reasons (Al-Qaradawi 2003a: 35-36).

Looking at the contemporary situation in Belgium I found that there are about 328 mosques and prayer rooms: 89 in the French speaking cities, 162 in Dutch speaking cities and 77 in Brussels. They are generally organized by ethnicity or nationality and religious traditions, Sunnis or Shiites (Cesari & Fadil 2014 and informant 83). Muslim immigrants to Belgium identified with their religious trends and ethnicity in their choices of prayer centres (Saroglou & Mathijssen 2007). Recently, the government gave more permission to construct prayer rooms in the Muslim populated areas in Belgium (Zinneke TV June 2016). The biggest prayer room is constructed in the most troubled area of Brussels.⁶

The Belgian authorities and jurists try to help. To help resolve the problem of not having enough prayer rooms, the ECFR explained to Muslims the need for organizing Friday prayers (the main weekly prayer) more than once in each existing mosque (ECFR Session 21, 26-01/07/2011 *fatwa* 3).

The Wassati position represented by the ECFR and al-Qaradawi especially suggested resolutions such as performing the Friday prayers in different times in case of necessities or combining prayers together. Using Christian churches' buildings for Islamic prayers was permitted as well. In the 27th ECFR's Session on 1-7/11/ 2017, more resolutions were issued concerning the difficulty of attending Friday prayers because people are engaged during the day in full-time education even when fasting in Ramadan. This is the nature of working conditions in Europe. They intended to ease the conflict and to help Muslims to balance religious requirements with the demands of living as minorities.

⁶ In 24/06/2016, a large mosque, Masjid Al-Khali, was reconstructed in Molenbeek, one of the locations in Brussels with a majority Muslim population. One of the largest mosques in Belgium includes a place of worship for ten thousand for Friday prayers and a place for social and religious activities as well as consultation and assistance in cases of crisis (Zinneke Tv 24 June 2016).

Along with prayers, there are the celebrations of the two big feasts: one at the end of Ramadan, the other as the feast of sacrifice following the conclusion of the Islamic pilgrimage. Muslims need to sacrifice the animals in their homes which conflicts with the European regulations. Abandoning the sacrifices of animals for the feast was also permitted (Al-Qaradawi 2003a). The anticipation for fixing ‘days off’ in Europe for these Islamic days along with more Islamic media programmes and more Islamic teaching in educational texts remain unrealized. These issues need both communities to settle them.

9.5 Conclusion

Living in non-Islamic lands was the focus of this chapter. Concerning the permissibility of living in non-Islamic lands, literature pointed out two positions: one was developed by early jurists and the second by some contemporary jurists. The empirical findings pointed out three positions. The Wassati approach encourages the creation of an Islamic presence in Belgium legitimizing residence in non-Muslim lands by considering Belgium a mission ground for Islam. This was used as a way of justifying immigration and permanent settlement in Belgium.

The other two approaches were followed by significant minorities: the Salafi position, in general, discourages Muslims to move to non-Islamic lands. They suggest that immigration and living under the rule of non-Muslims become permissible if Muslims can manifest their religion and practice *Da‘wah* and hoping for a time when the application of Shari‘ah will be possible. The Liberals attached no conditions and do not question their living in Belgium.

The issue of divided loyalty was also reported as a problem. On the one hand, Muslims being European citizens have to abide by the European laws and, on the other hand, they are required to abide by the ordinances of Islam. The study demonstrated that the issue of this double loyalty is multi-dimensional and sometimes even the ECFR, which claims to be Wassati in approach, gave contradictory advice. It tells Muslims to submit to the laws of the countries they reside in while at the same time advises them to give greater priority to the Islamic rulings. On the issue of loyalty, the findings from the field demonstrated three positions: the Wassati approach distinguishing between what is cultural and what is religious/legal; suggesting Muslims adopt from Belgian culture what does not contradict Islamic laws; the Salafi approach pledging unconditional loyalty to a timeless form of Shari‘ah and the Liberal approach expressing loyalty to Belgian civil laws as of great importance.

Conflicts arose from the aspects of the majority culture that are disliked by Muslims and the aspects of Islamic behaviour that are different than the practices of the majority. The issue has not been settled. Many related issues have not been identified by jurists. The informants insist that religious and social expressions such as dress code, growing a beard and Muslim women's headscarf are not like private beliefs or attitudes that, in principle, can be sustained without expression and recognition. The research found that the freedom to be religious was not limited to performing religious duties but rather extended to everyday practices of these symbolic expressions of identity. Therefore, a new approach, a sound methodology, and a firm foundation need to be laid down to deal with them in a creative and constructive manner distinguishing between religious rulings and cultural matters. The jurists need to consider a more balanced understanding of issues when negotiating cultural differences and unfulfilled desires. A firm foundation should be laid down to deal with them in a creative and constructive manner distinguishing between religious rulings and cultural matters. Although the policy-makers might have been right, for security reasons, to ban the hiding of a woman's face, a balanced holistic understanding of all cultural differences is still to be negotiated.

What informants described as imposed financial systems were challenging. The conflict due to financial matters was reported by 43%. Concerning these financial matters, the study in the field pointed out two important issues. More scholarly research is needed especially concerning the definition of *riba* and developing ways to help the self-employed. The insurance system was reported as problematic by jurists but not as such by my informants. Furthermore, the findings from the field and from the secondary literature demonstrated different positions concerning working in Belgian financial institutions. Some scholars forbid the notion while others permit it conditionally. Those who work in jobs dealing in *riba* were advised to look for different jobs that do not demand dealing with the prohibited. The findings from the field demonstrated the issue not to be of a problematic nature. The ECFR may have helped in areas such as loans for mortgage but has generally failed to help with loans for the self-employed while knowing that Islamic financial alternatives are still in their early stages. Finding Islamic financial institutions that handle all the needs of the community in Europe is a challenge. This chapter did not cover issues such as the lottery and other practices whose success or outcome were governed by chance. These are accepted by the wider community but not apparently by most Muslims.

Chapter Ten

Conclusion

10.1 Introduction

My research argued for the dynamics of multiple Shari‘ah interpretations in the daily life of Muslims in Belgium. My informants reportedly faced daily challenges arising from their attempts at dealing with religious obligations and practices within the wider European context. Some succeeded in achieving a balance between the two and engaging meaningfully in European life while others did not. The central question that guided this research on Muslims in Belgium was: What are the dynamics of Shari‘ah interpretations in the everyday practices of Belgian Muslims? This investigated not just the challenges Muslim minorities say they face but also how they deal with the matter of Shari‘ah interpretations in their everyday lives.

Besides containing a substantial analysis of the data, as qualitative research, I intentionally privileged ordinary Muslims and represented their diverse voices on the challenges they faced and the solutions they adopted pointing out the implications of the different positions they followed. This concluding chapter aims to bring the chapters together to focus on the findings, the contribution to knowledge and possible future research. The discussion of the findings also examines the implications for Muslim communities, jurists and policy-makers before proceeding to the important subject of their contribution to knowledge and further research.

10.2 Mapping the Findings

In the introductory section of the thesis, I presented an historical overview of the universe of Muslims and outlined the research methodology and the field within which it is located. I mapped the challenges my informants faced and the solutions they adopted. In the empirical chapters, I attempted to answer my research question involving Shari‘ah interpretations and their dynamics based on the input from my informants. Concerning the daily challenges, a large number of my informants referred to dietary practices (reported by 79%); family matters were reported by 53%; unfulfilled desires and expectations were reported by 40%; the complexity of being outside the land of Islam was reported by 37% of the informants. The dietary practices were mainly concerned with cooking prohibited foods and serving alcoholic drinks in Belgian schools, working in supermarkets, restaurants, and hotels where they were obliged to deal with prohibited food and alcoholic drinks. They also referred to challenges that

arose in specific circumstances of crisis. The informants reported their challenges stemmed from living in Europe where laws were not in total conformity with the Islamic family laws. They reported challenges in issues such as caring for the aged members of the family, inheritance, gender equality, and autonomy for individuals. They also reported issues relating to marriage and child-rearing. The financial practices such as the taking out of loans for mortgages, self-employment projects, or what was perceived to be an imposed system of non-Islamic insurance were also reported as problematic. The public behaviour of the majority was reported as problematic because it was different than that of the Islamic culture. The informants referred to the drinking of alcohol in public, gender relations and the dress code for women also as sources of conflicts. Their unfulfilled desires and expectations came third. The priorities of their expressed unfulfilled desires were the construction of more prayer houses, as well as the legal permission to build the minarets for these prayer houses. The need for setting apart time during work for prayer in groups was also expressed because the Belgian working system did not allow setting 'time off' during working hours for religious activities. The fixing of 'days off' in Europe for Islamic holidays and the recognition of Islamic feasts as national feasts came next. These varied findings from the field offer a glimpse into the world of my informants.

With reference to the positions of Shari'ah interpretations dealing with these challenges, three main positions emerged: Salafi; Wassati and Liberal. This not only explained the diversity of positions but also most importantly their implications. The Salafi insists that there is a single Shari'ah interpretation regardless of the context and time. This position represented the ideology of those who invoke Shari'ah regardless of the demands of the context and was adopted by 20.40% of my informants. They were aware of the other positions but followed the position of interpretations that ignored the context in which they live. The Wassati approach represented those who try to understand the texts and the context in which they live. It was accepted by 64.80% of my informants. This position signified the minority jurisprudence that took into consideration what benefits the communities in the existing society. Thus, the research gave more attention to this position focusing on its arguments and development. The position of those who relate more freely to European laws to deal with the struggles was adopted by 14.80% of my informants. This Liberal position tends to think of religion as a private matter and sees no need for an Islamic state or a need for the implementation of Islamic law in day-to-day matters as long as there was no hindrance for the performance of their religious duties. The implications resulting from the different

positions my informants assumed in their dealing with these challenges were dissimilar. I categorized these implications under the following categories: Muslim communities, jurists and policy-making.

10.2.1 Muslim Communities

My main concern was to better understand and benefit the Muslim communities in Belgium. To achieve this, I highlighted their voices and choices. One of the daily issues they spoke about concerned dietary practices that involved specific prohibitions which the non-Muslim majorities did not face. Some reported working or studying in conditions which their faith forbids as they were obliged to handle what is religiously prohibited. Others reported the consuming of sweets or medicines and ingredients produced from non-*halal* animals as a problem. What one consumes or handles was reported as a serious issue of Shari'ah in practice by the informants. In return, access to some jobs, educational institutions and medicines was limited along with interactions with non-Muslims. The Wassati and Liberal positions, for obvious reasons, permit more access to jobs the market offers, studies in cookery schools and to all sorts of medicines. They also enhance interactions with non-Muslims. The creative interpretation of Shari'ah as represented in *fiqh al-Aqaliyyat* of the Wassatis, with its principles of necessities and what benefits the communities, allows for adjustments in the application of law that help Muslim communities in their search for solutions while preserving their religious identity. Those who follow the Wassati position can easily obtain *fatwas* from the ECFR or their local *imams* to help them seek a balance between their convictions and the jobs the market offers. Similar juristic help is offered to students who are being trained to become chefs. The Salafi position does not allow the same level of freedom. It limits social life. Those who follow the Salafi position did not have the same access to jobs or educational institutions and so they were in a sense disadvantaged by their choice. The Liberals care more for ethical issues than religious regulations in their daily practices of these issues and were largely indistinguishable from the majority. Those who were in circumstances of crisis received varied levels of support. The Wassati and Liberal positions, represented by those who were interested in finding suitable resolutions to religious issues, were found to be helpful. The Salafi position that proposed no adjustments to Shari'ah interpretation did not offer the same level of help for Muslims in crisis circumstances.

The research also broke new ground in relating Islamic family traditions to the everyday lives of individuals. It studied different features concerning the family

exploring them in religious rulings and in society. The study demonstrated that the Islamic family traditions were different and sometimes even at odds with European laws. A good proportion of my research participants reported struggles maintaining Islamic family traditions such as the family structure and caring for the aged, inheritance, gender equality and autonomy, marriage and child-rearing. Issues involving the family were the second major category of challenges after the dietary practices. Their struggles did not only concern moral issues but also legal ones. Jurists proposed different positions to help Muslims keep the balance between Islamic and European rulings. The Wassati position helped support the cultural norm of caring for the aged. Instead of keeping the aged within families according to tradition, they were sent for care by the professionals. It also helped in the matter of access to wealth and inheritance because the Wassati position allowed the writing of wills different from the requirements of Shari'ah. The Wassati position also defined male-female interactions in creative ways, thus, allowing them access to jobs and giving them the freedom to work together in mixed gender occupations. The Salafi position did not offer the same levels of freedom. It limited their access to creative solutions for caring of the aged members, issues of inheritance and gender relations. The Liberal position helped as it also implicitly draws moral principles from creative rulings rather than rigid laws.

There are also the following important issues to note: individual autonomy versus collective authority of the families/community and non-Muslim members' access to family inheritance. The European laws give autonomy to individuals over collective family/community decisions that is often not the case among Muslims. Allowing non-Muslim members in the family access to inheritance and permitting equal rights to males and females are also challenging matters for Muslims in Europe. Writing a will to settle the issues differently than the requirements of Shari'ah is not forbidden in Islam. However, this is assumed to be done within some set boundaries. Personal autonomy given to females to travel alone or to work with males remains unresolved and, as such, this remains challenging when compared with the European laws. There also exists some confusion regarding bringing up Muslim children in Europe. Some Muslims refused to have children whereas others put more emphasis on teaching them the Islamic principles to protect them from the influence of the culture of the majority. Despite being known as centrist, al-Qaradawi advised parents to go back with their children to their countries of origin in the case of extreme difficulties but for most Muslims this is not a realistic option. Parents do not clearly appear to distinguish between religion and culture. Many emphasize the need for teaching religious duties

but, at the same time, feel the need to consider the demands of the European societies for harmony and possible integration.

Concerning marriage traditions, the ECFR and al-Qaradawi (both known for their middle position), were at times not consistent with the principle of centrism in their legal ruling concerning women. The necessity of male guardianship to validate their marriage and forbidding them to marry men from amongst the People of the Book need more juristic attention to keep the supposedly higher principles of gender equality and justice in Islam. Al-Qaradawi and the ECFR made their judgment based on the religious narratives apparently without considering the principles of necessities or the change in time or context. Their rulings may have been rooted in Islamic jurisprudence but the changing time and context demand rethinking all existing rulings in Europe. A balanced conclusion combining the religious rulings and European laws require further consideration as some of informants decided to go against these traditions.

Concerning the permissibility of living in non-Islamic lands, the secondary literature offered two positions: one was developed by the early jurists and the second by some contemporary jurists. My empirical findings highlight three positions which I have already referred to above: the Wassati, Salafi and the Liberal. The majority of my Muslim respondents considered Belgium as their place besides being a mission ground for Islam. This was used as a way of justifying immigration and permanent settlement in Belgium. The Salafists were a significant minority among my respondents. Unlike the Liberals, they believed in and hoped for the complete application of Shari'ah. This showed that the extreme positions were still in the minority.

The issue of divided or double loyalty was also reported as a problem. Even the ECFR, which claims to be Wassati in approach, gave contradictory advice on this matter. The ECFR tells Muslims to submit to the laws of the countries they reside in but, at the same time, advises them to give greater priority to the Islamic rulings. However, the findings from the field showed that those following the Wassati approach distinguished between the cultural and religious/legal aspects. The smaller group falling under the Salafi grouping pledged unconditional loyalty to a timeless form of Shari'ah whilst, unsurprisingly, the Liberal approach considered loyalty to Belgian civil laws as of great importance

What informants described as the imposed financial systems were also considered challenging for Muslims. The ECFR may have helped in areas such as loans for mortgages but has generally failed to help with loans for the self-employed knowing that Islamic financial alternatives are still in their early stages. Finding Islamic financial

institutions that handle all the needs of the community in Europe is a challenge. Forty-five percent of my respondents reported financial issues as being a source of conflict. Concerning these financial matters, the study in the field pointed out two important issues: *riba* and the support system for the self-employed. More scholarly research is needed especially concerning the definition of *riba* and the need for developing relevant religious/legal solutions to help the self-employed or those aspiring to self-employment.

The insurance system was reported as problematic by the jurists but not as such by my informants. Furthermore, the findings from the field and from the secondary literature demonstrated different positions on the issue of working in the Belgian financial institutions. Some scholars forbid it while the others conditionally permit it. Those who work in jobs dealing in *riba* were advised to look for different jobs that do not demand dealing with what is legally prohibited. The findings from the field demonstrated the issue not to be of a problematic nature.

The rapid review above highlights the reality of varied Shari‘ah interpretations which played an important role in providing my informants with solutions. The findings corroborate my position that Shari‘ah interpretations played a central role in the day-to-day life of Muslims in Belgium; but the ways in which they appropriate these can be loosely categorised under the Liberal, Wassati and Salafi positions. The Wassati position was found to be the predominant class even though even here there appeared to be a fair diversity of views. An instance of diversity in practice comes from the informants who deliberately ignore some of the basic legal rulings in order to search for a compromise of their own; such exceptions perhaps can inform theoretical solutions being offered both by al-Qaradawi and the ECFR. However, it is not only the ordinary Muslims but also the jurists who differ in their interpretations of legal issues pertaining to Muslims in Europe.

10.2.2 Jurists

To the religious leaders, the empirical data answers their appeal for joining together social science and *fiqh* in studying Shari‘ah dynamics. The research demonstrated how juristic positions, *fatwas* and resolutions function in the field. The Wassati position with its principles of necessities and what benefits the communities, as was explained by jurists to help Muslims in minority status, was adopted by the majority of my informants at 64.8 %. The Salafi position, that sees no need for change in Shari‘ah interpretations due to time and context, was followed by 20.4%. The Liberals represented a significant minority at 14.8% as they regard the part of Shari‘ah regulating

daily practices as presenting ethical principles rather than religious rulings. This position attempts to base jurisprudence on its ethical dimension rather than focusing upon legalistic aspects of its rulings. . The findings indicate that the Wassati position was not accepted by all. The Salafists critically oppose its principles and the liberals see no need for it. In light of this, Jurists should pay more attention to these two positions and not dismiss the liberal position as being irrelevant. The liberal views and preferences appear not to be driven by faith or theology; instead, they are the product of their individual negotiations, choices, and contextual adaptations. Some scholars see no need therefore, for minority jurisprudence or centrist thinkers since the ordinary Muslims largely make their own choices and seek their own justifications for these choices. Some even believe that an emphasis on the need for minority jurisprudence leads to negative impacts on Muslim communities in Europe. The need for a discourse on this seems tied up with what has been described as ‘the immigrants’ mind set’ which has the potential to lead Muslims into a trap of ‘minority thinking’; this thinking can potentially lead European Muslims to relinquishing efforts towards engaging wholeheartedly with European societies to which they belong (Ramadan 2004 & Mestiri 2016).

The reality however is that many European Muslims, as believers, do search for a version of *fiqh* that suits their situations and this brings both the centrist thinkers and their vision for a minority *fiqh* back into the discourse; it not only occupies many Muslims but also non-Muslims who see in this the potential for generating new ideas on how Muslims may find a way of integrating in Europe without a sense of guilt or conflict. It remains to be seen how this discourse develops in Europe and to what extent this will be led or directed by the centrist thinkers who are neither consistently able to keep pace with the varied contextual demands for solutions ordinary Muslims seek in their daily lives nor have they the capacity to straddle the ideological divide that separates them from both a class of the Salafis and the Liberals; their difficulties are compounded by the increasingly complex and changeable life of ordinary Muslims in Europe who want to remain faithful to their religion but are also trying to survive as individuals and families.

The research does not only point out to the jurists their significant role in guiding the community but also the issues that need more attention. Muslim communities are expected in principle to apply Shari‘ah rulings but because Muslims in Europe live in a unique context, they need the jurists to guide them. Concerning the sources of juristic help, my informants noted they needed not only juristic explanations, but also support

from other sources. Some consulted local leaders for help while others preferred to compare the answers of local leaders while there were those who were selective in their search for help. Those who were selective carried out independent research to find answers to their questions. The data showed, therefore, that there was no single source of authority for the communities and the role of the local leaders was seen to be important but not indispensable. The first on the scale were those who sought the guidance from local leaders. The second were those who were selective in searching for help and compared advice from local leaders with other leaders. Less than 2% of my informants exclusively consulted leaders from the countries of their origin. The issue of training these leaders is highly important. There was not much done to resolve this important issue. The selection of *imams* was only based on their religious knowledge with no intention given to understanding the European context in which they function.

The majority (88.5 % of the male 1st generation of my respondents) reported that the Shari'ah was important for guidance on gender and generation relations. Both play an important role in their day-to-day affairs. However, the rate of the female informants from the 1st generation was less at 55.56% compared with 88.5% of the male 1st generation. Even so, the women respondents received more religious support from the ECFR as most of them believed Shari'ah played a less important role. Surprisingly, 100 % of the 2nd generation males reported an important role for the application of Islamic laws in the day-to-day affairs compared with about 86% females from the same category. The second generation felt the need for more religious guidance. Only a small minority (14.8%) saw a less important juristic role in their day-to-day affairs. They see Shari'ah, in their daily life as providing ethical principles rather than laws. They represent a significant minority that jurists should not ignore. In his appeal to his Wassati position, al-Qaradawi criticized those who adhere to the Salafi and the Liberal positions. According to him, the Salafi position uses frozen religious principles and the Liberals import ideas from the West. He intended to uproot the Liberals by denying them any religious foundations for their position. My research, however, goes beyond simply testing the nature and presence of the minority *fiqh* in the everyday lives of Muslims because I also identify other positions, such as the Salafi and the Liberal, which may not be dominant in Europe but are also significantly represented among the ordinary Belgian Muslims. This reality must not be ignored.

In the context of dietary practices, the minority jurisprudence developed to help Muslims in minorities status, has worked. There are, however, issues still needing juristic attention. The jurists might have helped the communities to have more access to

jobs dealing with what was religiously deemed prohibited but they failed to provide the same level of legal advice to those seeking self-employment and those seeking loans for businesses from non-Islamic financial institutions. Some owners of restaurants or fast food shops serving all kinds of food and drinks believed that the jurists could do more to help them. The jurists' concerns and decisions were sometimes academic, and this meant that not all Muslims on the ground accepted their rulings in practice. Some decided to go against what was assumed as unconditional religious rulings.

The jurists' adopting of a middle position enabled Muslims to develop a more affirmative active participation in Belgian society while remaining faithful to Shari'ah rulings. The position that proposes no adjustments to Shari'ah interpretation does not offer the same level of help for Muslims. It can lead to withdrawal, self-centredness and confrontation. As pointed out before, the position of the Liberals viewed the part of Shari'ah regulating practical issues as defining ethics rather than laws. For them, the literal application of laws regulating dietary practices in everyday life or family matters is less important. All these positions were followed by my informants at the levels I mentioned above.

Some family matters, such as allowing non-Muslim family members access to wealth or giving equal rights to Muslim women to marry men from the People of the Book, remain unsettled. An example of a positive step in the direction of change comes from the resolution issued by the ECFR. This resolution changes the status of a ruling from the forbidden to permissible, allowing a Muslim convert to remain married with her non-Muslim husband. The decision is justified based on the reasoning that requires a female convert to divorce her non-Muslim husband would not facilitate the cause of Islam in Europe. In contrast, however, a resolution given by the ECFR to a Muslim young lady forbidding her to marry a Christian does not even offer a reason for the prohibition. This religious ruling assumes that a non-Muslim husband may not observe Islamic family traditions. In this case, the ECFR does not go far enough. The European Laws give women equal rights as men. My research shows that, among other things, families with only girls often make the practical choice of applying the European laws rather than the Islamic ones.

The Muslim practices of caring for the aged members and access to wealth/inheritance are very different from the European laws. The Wassati and Liberal positions help the community to deal with these issues and are generally recognized as such by ordinary Muslims.

My work on inheritance pointed out some specific Prophetic Traditions as carrying greater weight than the Qur'an in reaching religious rulings on some of the issues facing Muslim communities. The Prophetic Traditions that deny inheritance to non-Muslim members in the family became the final ruling even without any direct prohibition mentioned in the Qur'an. The ruling on the privacy of women and foreign men is likewise mainly based on the Prophetic Traditions. I pointed out examples of Muslims ignoring some of the basic rulings to settle for a compromise. The validity of the religious ruling referring to marriage and divorce as suggested by the ECFR was ignored when it was seen to be contradicting the European laws. The ECFR on its own suggested the establishment of community religious courts of jurists to help families to handle family conflicts but also advised Muslims to submit to European laws if they encountered conflicts in the advice issued by these community religious courts.

In social research, personal testimonies can be a good source of reliable data (Elliot, 2006). Testimonies, such as the ones I used in the research, revealed the informants' own accounts of solutions or free choices in times of need. This was especially true when even the supposed centrists were not able to help them with clear guidance. Thus, some Muslims who were self-employed took out loans from Belgian banks justifying their choices by recourse to pragmatic reasons such as needs. Likewise, some Muslim women made their own independent choices to marry men from among the People of the Book. The ECFR gives guidance to help Muslims just as local leaders do but on the issues of Muslim women's marriage to the People of the Book, or inheritance for non-Muslims members and loans to the self-employed, the ECFR and others need to pay more attention.

The research shows that the jurist al-Qaradawi, who is known for his middle position and as a global *mufti* (Graf 2009), was not always consistently centrist in his judgments. Thus, his position regarding women's dress and what he called imitating the Christians and Jews in the way they dress certainly did not appear to be moderate. He forbade the self-employed from taking out loans for their projects from non-Islamic banks in a context that does not have a fully developed Islamic alternative. His advice to parents to go back with their children to their countries of origin in certain cases was also not realistic. In advising Muslims in crises circumstances, again, his approach was a far cry from the centrism he is known for. Al-Qaradawi is also not consistent with his Wassati principles on the matter of the use of medicines that contain forbidden items that he allows only in exceptional circumstances. This subject is never fully addressed

by the Wassatis. The *fatwas* issued by the ECFR were at times, like al-Qaradawi, inconsistently moderate.

This research also points to some juristic confusion regarding Muslim child-rearing in Europe. Despite being in support of Muslims living in the West, as noted above, al-Qaradawi advised parents to go back to their home countries if they feared that the culture of the majority would influence their children. There are clearly benefits, Muslim parents recognize, for children from learning and living in the West. Many parents living in Muslim countries also like to send their children to study in the West. Exceptionally, however, as noted before, some of my informants decided not to have children because of a fear of Western culture. Others put more emphasis on teaching the children at home. Muslim parents also felt the need for juridical help to distinguish between religion and culture. Many parents were teaching religious duties to their children but at the same time encouraging them to practice harmony and adaptation to European culture.

Early jurists recommended that Muslims in the West should look outwardly different from the non-Muslims and this was also emphasized by al-Qaradawi. However, Al-Qaradawi was once again not consistent in his judgments regarding women's dress or what he also called the imitation of the Christians and Jews. He made his judgment based on the religious narratives without considering the principles of necessities or the changes in time or context. The bottom line in the view of al-Qaradawi is the obligation for Muslims to look different. Again, my informants had different views on this as a good many of them report that it is important to look different from the non-Muslims but there is no consensus on this issue.

In the context of what the participants described as a complexity caused by living in non-Islamic lands, the secondary literature suggests two positions: one is developed by the early jurists and the second by some modern jurists. The position that was adopted by the early jurists represents those who limit immigration to non-Islamic lands and forbid Muslims from 'peacefully' living with non-Muslims without doing *Da'wah*. A contemporary position suggests that since the rights of Muslims are protected by European laws, any relations between states are not to be governed by force but rather through applying international laws.

Relating to the permission for Muslims to live in non-Muslim Belgium, the Liberals do not set any conditions for living in Europe besides the freedom to practice the religion. The Wassatis set the condition of *Da'wah* and preserving Islamic identity, while the Salafists limit the choices for Muslims to live in non-Islamic lands and

consider Belgium as an abode of war, so Muslims might stay but wait for a suitable time for the complete establishment of Shari‘ah. In addition, the notion of loyalty is complex as well. Some of the recommendations, as reported by the ECFR, were contradictory. The ECFR advised Muslims to balance loyalty to the religious texts and the pledges Muslims make to European countries. Some advice for them was not to be controlled by traditions in their societies of origin but, at the same time, the ECFR insisted that Muslims should prioritize Islamic norms over European norms in the case of clear contradictions. The difficulty in all of the situations, mentioned above, on the one hand, lies in being European citizens who have to abide by the European laws and, on the other hand, being required to abide by the ordinances of Islam. The issue of this double loyalty is a complex one because sometimes the ECFR gives contradictory advice as is evident in examples of the recommendations and the resolutions offered by them.

The conflict due to financial matters is reported by a good proportion of my informants. They also believe it is important for them to have bank accounts in Belgian financial institutions where Islamic banking is not available. Loans from Belgian banks for business, especially for those self-employed, present a challenge for those who see this as breaking the Islamic laws. The jurists are expected by Muslims to help with settling these matters.

10.2.3 Policy-Makers

This research also has implications for policy-makers. Muslims in Europe might have come as ‘guest labourers’, however, now they feel they should no longer be perceived as ‘guest workers’, but rather as equal civic and political actors. It helps also in providing a supporting rationale or clarification for the choice of Muslims to live together in big cities near other Muslims. Pragmatic reasons were behind these choices such as to find cheap housing, easy access to *halal* products and for a sense of security when together. Here, Muslim demographics show a growth trajectory. This is in line with what is known about the immigrants in general who are recognized as an important factor in any demographic growth in Europe. In this context, surprisingly, all of the 2nd generation males reported an important role for the application of Islamic laws in the day-to-day affairs compared with a significantly fewer women from the same category. This sheds new light on the expectations about cultural and educational socialization. Contrary to the expectations, the youth and men in general appeared more disconnected with the Western culture than the older men and women in general.

When I investigated the issue of increased religiosity in the second generation in response to social exclusion or experiences of discrimination, the data showed a positive association between perceived discrimination and religiosity. I found that the second-generation Muslims were in favour of practicing and expressing their religious identity in public more than the first generation and this was contrary to my expectations. It was also true that some of my informants tended to become more religious if they experienced discrimination or any sort of social exclusion. The importance and centrality of Shari'ah for Muslims in Belgium was also pointed out. Shari'ah is not a matter of academic discourse for Belgian Muslims but a matter of everyday practice in order to be able to negotiate challenges of living as a minority.

My findings also demonstrate that the majority of my informants maintained a strong belonging to their lands of origin whilst also showing some attraction to Belgian citizenship and civic life. The majority visited countries of their origin at least once a year. Among them, some had businesses and properties to manage there. Those who did not maintain these links were a minority, representing their individual choices. In addition, the majority taught ethnic languages, besides those of Belgium, to their children. They also preferred choosing marriage partners from the same ethnic group. This finding shows that by being inwardly oriented, Muslim minorities seek to preserve their identity. However, this is not the complete picture because there is also evidence of Muslims attempting to build bridges, although limited to developing some attractions to European civic life. There is a need, therefore, to develop relevant ways to accommodate Muslims who are not only socio-culturally but religiously different from others in Europe and to seek a balanced and holistic understanding of how to negotiate these differences.

Furthermore, my informants did not see the issue of their dual belonging necessarily as a problem. The majority were not against living in a non-Islamic country like Belgium while also maintaining connections to their countries of origin. My findings add another facet to the existing work by Rafeek (2012) and Modood (2011: 6) as it offers an empirical case of a people looking to make sense of citizenship and national identity, on the one hand, and religious identity on the other by seeking dialogue instead of submitting to pressure to assimilate or be dominated. My research showed, like Ali Sundas (2013) in the context of Muslims in Britain, that although the level of my informants' loyalty to Belgium appears to have been rather low at 36%, it is not altogether missing. My work shows a significant number of Muslims who are trying

to belong to both worlds. When I further investigated their understanding of the conditions of citizenship, they spoke about the advantages more than the responsibilities. What concerned me more was that whilst my informants scored low on their feeling of loyalty for Belgium, most were still happy to consider Belgium as their place of permanent residency. Most informants, 92.6%, were not against living in non-Islamic Belgium. Those who, in general, were against the notion of living permanently in Europe were less than 8% (7.4% to be precise).

My research showed too that there is a felt need for training religious leaders so they can guide, advise and offer appropriate and contextually sensitive religious rulings. Many Muslim clerics working in Europe were trained in the traditional schools of thought. They did not have a comprehensive inner cultural knowledge of the European communities and, therefore, their verdicts were often incompatible with the context in which Muslims lived in Europe. Despite this, they were expected to play a role among Muslims in Europe. This complex existence in which Muslim minorities live necessitates the policy-makers to encourage the scholars to consider their role seriously in order to be of relevant to Muslims.

The voices anticipating the future of Islam in Europe were varied. There was the voice of those who argued that Islam in Europe would come to similar terms with secularism as other religions and the socio-religious historical space in which Islam emerged would be replaced by the secular space in Europe. Another voice advocated that Muslims were already well equipped to respond to the European issues of modernity without betraying their identity. Still others believed that Europe would eventually give way and become increasingly Islamized. What is sure is that Muslim minorities in Europe are becoming significant and increasingly confident. This was evident in the fact that 76% of my informants reported Islam will influence European norms, 17% suggested that European values will affect Islamic values, while only 7% thought that both will contribute to each other.

10.3 Contribution to Knowledge

The topic of this enquiry stemmed from my deep interest in the ordinary lives of my Muslim neighbours. It has been reported that, 'A genuine *fiqh* for Muslim minorities requires a collective engagement between social scientists and Shari'ah scholars in the wider public arena' (Ali, al-Shaikh 2004). This research attempts to contribute in a small way to bridging this gap by focussing on Belgium to serve as a foundation for further studies in other European contexts. Such a broader scope will require a

collective effort of many scholars focussing on minorities in their own national or regional settings. There already exist some excellent works concerning the role of minority jurisprudence and Rafeek's work is the best known among these (Rafeek 2012). Struss' and Ceario's works on the role of Islamic organizations in helping Muslim communities preceded Rafeek and these have also informed my work (Struss 2011, Ceario 2011). Other scholars like Sundas focused on exploring the identities and sense of belonging of British Muslims, while Pedziwiatr was largely interested in understanding 'the new Muslim elite' in selected European cities (Pedziwiatr 2008, Sundas Ali 2013). My research is located within this body of knowledge and approaches it empirically rather than purely theoretically.

My review of the existing secondary literature such as the ones I listed above showed the presence of conflicts ordinary Muslims, as a minority, experience in Europe and some of the ways in which they sought to resolve these. However, even though I live in Belgium, I have not come across a single empirical research work on ordinary Muslims. My investigation, in the part of Europe I live in (Belgium), explored my main research questions (set out in the introduction) and addressed it based on the data generated through interviews with 108 informants, published religious rulings and the texts of the selected Muslim theorists writing for Muslims in the West.

The findings demonstrated how Shari'ah interpretations among Belgian Muslims played an important role in their dealings with daily struggles. It also pointed out the solutions they were adopting in the context of Europe. In doing this research, the ordinary Muslims were privileged for it is they who seek out specific guidance for particular issues or choose options on their own for the problems they face in Belgium. In so doing, the thesis offered an understanding of the dynamics of Shari'ah interpretations in the daily lives of these people from the bottom up. It also showed that even though my informants were not religious scholars in their own right, they were not mere passive followers. They acted as free agents making free choices on a daily basis.

In listening to the ordinary Muslims, the research did not ignore the Muslim jurists and organizations developing specific guidance for the practice of Islam in Europe. It highlighted both the instances of conflicts over how to practice Islam in Europe and the diversity of solutions proposed by the Liberals, the Wassatis and the Salafists. The question of whether the School of Thought which claims to lead this thinking for European Muslims has the capacity to consistently deliver what it claims remains to be answered. There is no single Muslim position on how Islam should develop in Europe but many views, and most Muslims go looking for a faith or a

version of their faith that suits their situation. There is a need, therefore, for a communal *fiqh*, a set of legal rulings for the specific and contextual needs of Muslim minorities that move away from the mere needs of individuals to Muslims as a group in the West and leads to establishing a basis for relations with non-Muslims. The collective objectives of the *fiqh al-aqaliyyat* are meant to preserve the religious life of the Muslim minority on both individual and community levels by removing unnecessary hardships and encouraging what is good for them.

In focussing upon the dynamics of Shari‘ah interpretations in everyday lives, my study on Muslims is possibly the first of its kind on Belgium. It adds a new dimension to the existing secondary literature on Shari‘ah by offering an empirical case of its diverse interpretations and applications in Belgium. It shows too that centrism in the practice of Shari‘ah seems to help the ordinary Muslims the most. The story of Muslims in Belgium is a way of expanding our knowledge of how Muslims are adapting to their own adoptive context of Europe without giving up the spirit of their faith and practice. The struggles Muslims faced were clearly not unique to Belgium. I have already noted before that Rafeek’s work shows how contemporary Muslims living in Britain face a number of issues and problems in their day-to-day life and so there are some similarities in his work with mine. (Rafeek 2012:177) Similarly, Struss has also shown how Muslim minorities feel discriminated against and how they feel excluded by their host nations thus, leading to strategies to adapt. (Struss 2011:27) Al-Qaradawi, a principal jurist of minority jurisprudence, has outlined a similar view to Struss’s (Al-Qaradawi 2001). Likewise, Caeiro has indicated that Muslims face a dual or divided loyalty - a ‘struggle of Islam without the state.’ Muslims rightly feel obligated to remain faithful to Islamic laws without disregarding European laws which are at times conflicting (Caeiro 2011:49). Caeiro’s argument was based on theoretical analysis of the *fatwas* and resolutions of the ECFR. Fleischmann (2011) presented too an excellent work on the second-generation Muslims in European societies by providing a comparative perspective on education and religion. Her analysis was based on samples of anonymous records from the Belgian Census of 1991. Although valuable contributions came from these theoretical studies, there was a need for these findings to be investigated in the field. My research, therefore, extended the boundary of scholarship on the subject. In so doing, my thesis was not attempting to be just a scholarly exercise in detached examination and observation. It involved real people whom I know and have observed not just as an academic but as a friend and fellow human being.

I was personally involved also as a friend to many of my informants which enabled a closer look and a more empathetic understanding of the subtleties and undercurrents of the challenges Muslims face when residing outside the lands of Islam and how they deal with them in an unexpectedly varied way. It was difficult for me not to engage in their story. My role as a researcher became that of an observer and reflective interpreter. I have lived and worked with Muslims in Europe for many years with access to significant figures in the Muslim communities. I spoke the language of my respondents and I was not entirely a stranger in understanding their culture. In my work as a prison chaplain I was accepted and respected by inmates and by my Muslim co-workers. In this consideration, I was an external (not a Muslim myself) observer who was also an insider. However, when I worked with the data, I was more of an outsider who reported things as they were spoken by the informants before trying to reflect and interpret them. My Egyptian background and deep cultural immersion in Europe gave me the advantage of being both an insider and an outsider. I understood what Strauss and Corbin emphasize about the need for familiarity with the context as a necessary condition for research only as I got deeper into my fieldwork (Strauss and Corbin 1998). I not only attempted to ensure that the informants' voice was clearly heard but also organized the chapters in such a way that it accurately reflected the themes that emerged

10.4 Limitations and Suggestions for the Future

The present study does not cover every ethnic or religious group of Muslims in Europe. In the case of this thesis it was not possible to broaden the scope. However, the study presents a valid case involving a variety of Muslims in Belgium and this is evident in the fairly large sampling of data from 108 informants besides observations and focus group discussions. Future researchers can expand the findings to encompass other groups in Europe. from their own testimonies.

The issue of how Shari'ah functions in the context of European converts to Islam was noted in the thesis. It is indeed an important area of investigation on its own. There is a lot to learn from how the Islamic ruling applies in the context of European converts to Islam, but this again was left out of this study and could potentially be picked up for future research.

The research also did not deal in detail with the issue of interfaith-marriages between Muslims from different denominations and between Muslims and non-Muslims. This raises several important issues for members in the mixed family settings such as inheritance, divorce, child-rearing, participation in religious rituals or ceremonies, and death besides substantial theological matters of faith which can cause inter-personal and intra-community conflicts. The study also does not cover issues such as the lottery and similar practices whose success or outcome is governed by chance that are accepted by the wider community but not by Muslims.

More studies are needed also to define the notion of *riba*, especially in a context where Muslims often are aligned with the existing European financial system but are desirous of Islamic alternatives. The Wassati position of the ECFR has the potential to help in areas such as loans for mortgages but it fails to help with the issue of loans for those who are self-employed. This is important because the Islamic financial alternatives are still in their early stages of development and there are few viable alternatives available to Muslims. The findings as reported by my participants are somewhat diverse and this is in line with my general conclusion as already stated. There are those who carry out bank transactions or take out loans from non-Islamic banks out of necessity or for what they consider would benefit their families. Others look for Islamic alternatives before considering the Belgian banks. A third group represents those who do not consider working in a Belgian bank or taking loans as particularly problematic. The insurance system is reported as an issue by jurists but not as such by participants. Further research will hopefully bring more clarity on the issue in the future.

APPENDICES

Appendix 1.1 Interfaith Dialogues ‘Breaking the Invisible Walls (03/12/2011)’

PASSERELLES LAEKEN - Une journée de rencontre et d'échange interconvictionnel



Samedi 3 décembre 2011
15h30-20h00

Gratuit - Inscription souhaitée mais pas obligatoire

Infos et inscriptions: ASBL PICOL - www.picol.be - c.barthe@picol.be - 02/421.16.36

PASSERELLES LAEKEN - Programme

Accueil

Introduction
et animations pour les enfants qui le souhaitent
avec Tiffany

Moment d'échanges

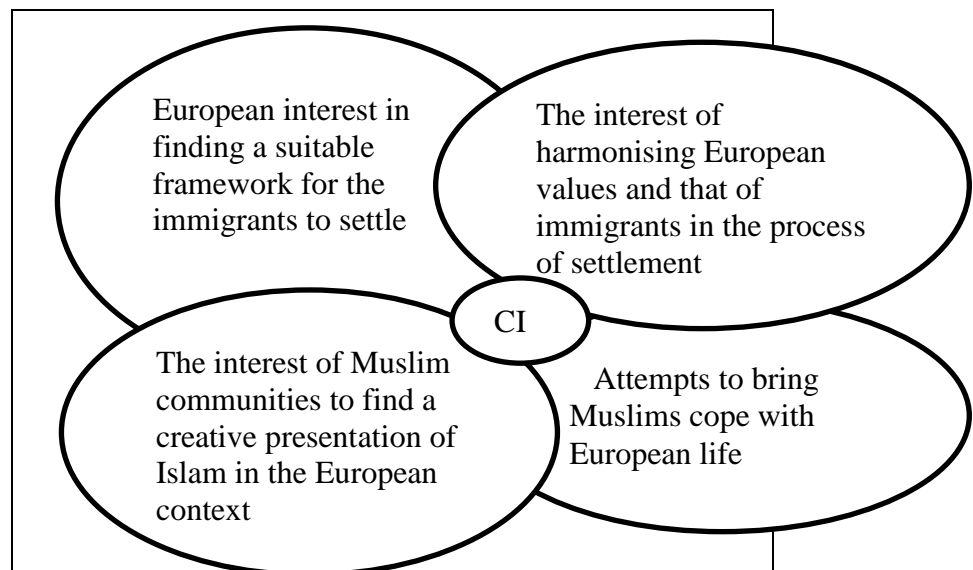
Présentation festive du symbole

Table du monde
repas convivial offert par les communautés

Une initiative du groupe Passerelles Laeken - Avec le soutien de Chantal Noël, Echevine des Cultes de la Ville de Bruxelles, et de la Communauté française
Coordination et animation du projet : FASBL PICOL (Partenariat Intégration Cohabitation à Laeken)
Avec la collaboration du CCBB (Maison de la création)
Les communautés qui participent à la rencontre interconvictionnelle 2011: La Fédération interreligieuse groupée Saint-Isidore (rue de Progrès) La Communauté israélite népharim de Bruxelles (rue du Pavillon) Les Paroisses catholiques de Laeken La Communauté protestante baptiste arabe (rue Léopold) La Mosquée El Mouadine (rue Tooty) La Centrale Islamique (rue Charles Desmet) La Synagogue (rue de la Chapelle) Les associations: Amour, Le Colombier, Le DES LI, La Chaine, La CEFOD et autres.

A la Maison de la création
2, rue du Champ de l'église
1020 Laeken
Entrée: Bruxelles
Métro: Laeken
Tram: 52, 53, 54
Bus: 85, 95, 99 (Berckel)

Muslims and non-Muslims expressed four areas of interests that they defined as ‘Common Interests’, CI.



Appendix 1.2

Historical Development of the Executive of Muslims in Belgium (EMB)



L'Exécutif des musulmans

Le 19 juillet 2013

Depuis 1974 (date à laquelle le culte musulman a été officiellement reconnu par la Belgique), un long chemin a déjà été parcouru dans le processus d'institutionnalisation de l'Islam dans notre pays.

Mais depuis 2004, l'exécutif musulman de Belgique (EMB) connaît une grave crise de légitimité et a été plusieurs fois l'objet d'enquêtes judiciaires.

La crise semble s'articuler autour de deux axes indissociables :

- D'un côté, son mode de sélection a tendance à ne pas faire émerger les compétences nécessaires à la gestion d'un « organe chef du culte », dont le mandat est d'assurer la gestion du temporel du culte (traitement des dossiers de reconnaissance de mosquées et d'imams pour l'obtention d'un subside étatique, sélection des professeurs de religion islamique, ...)
- D'un autre côté, il y a des tutelles des pays d'origine qui font tout pour maintenir une autorité forte sur leurs communautés religieuses respectives, et ce, avec la bénédiction implicite des autorités politiques belges.

Depuis janvier 2012, l'Etat belge ne reconnaît plus l'EMB et a arrêté de financer.

Madame la Ministre, dès le début de votre mandat vous avez affirmé que des contacts étaient en cours entre votre administration et la direction de l'EMB à propos des propositions soumises par ce dernier pour sortir de l'impasse. En 2012, vous avez décidé d'affecter 280.000 euros à l'Exécutif contesté afin de permettre, notamment le paiement des Imams. Vous aviez également annoncé en mars de la même année, la mise en place d'une structure de transition ainsi qu'un calendrier pour assurer le renouvellement au sein de l'organisme.

Aujourd'hui plus d'un an plus tard, la situation semble toujours au point mort.

Madame la Ministre, je suis bien consciente qu'il n'appartient pas en principe au ministre, au gouvernement ou à l'État d'organiser un culte mais je souhaiterais faire le point sur ce dossier.

Où en sont actuellement vos contacts avec l'EMB ? Qu'est-ce qui est mis en place pour faire avancer les choses ?

Réponse reçue le 20 août 2013 :

Je remercie l'honorable membre pour sa question, mais avant d'entrer dans le vif du sujet, je voudrais apporter une précision. Les 280 000 euros qui ont été affectés à l'Exécutif ne servent pas pour payer les imams, mais bien de permettre à la structure (le Bureau en affaires courantes) d'assurer la continuité des dossiers, entre autres la communication d'informations au Service public fédéral (SPF) Justice en ce qui concerne les paiements des imams (mutations).

Sur le budget de la Justice un autre poste concerne les traitements des imams.

C'est de manière délibérée que je n'ai plus communiqué sur le contenu de ce dossier. En effet, depuis un an des contacts discrets se font avec des responsables de la communauté musulmane en Belgique afin de trouver une solution pour le renouvellement et la relance de l'Exécutif des Musulmans de Belgique. Nous sommes actuellement très proche d'une solution, qui ne va pas varier de manière importante de celle proposée à mon prédécesseur en 2011. Le problème à cette époque était que deux propositions différentes avaient été mises sur table.

Mes collaborateurs procèdent actuellement aux dernières vérifications avant que je soumette ce dossier au Conseil des ministres.

Étant donné le stade actuel, je ne m'avancerai pas plus loin dans les commentaires, mais je reviendrai vers vous avec plus d'informations une fois que le dossier sera approuvé au niveau du Gouvernement.

**The Ceremony for the new elected president of EMB Nooruddin Ismaili
Brussels, March 30. 2014**

The official representative body of Muslims in Belgium, called the Executive of the Muslims of Belgium (EBM) introduced the new 17 members of the body in a ceremony held on Sunday: Nooruddin Ismaili, of Moroccan origin, has been designated as the President of the state-supported body which was formed in 1998 to regulate the cultural, educational, and social affairs of the Muslims in Belgium

Speaking at the ceremony, Ralf Folter, a director in the cabinet of Belgian justice minister of Justice Annemie Turtelboom, congratulated the new members and noted that He said that the .the ministry has minimum interference in the affairs of the EMB Belgian states treats the Muslims equally with the followers of other religions in the country, Until now the EBM was elected by the Muslim community in Belgium for three years, but for the first time a different process was followed:

One representative each from 282 mosques in Belgium gathered on 8 March and elected a general assembly of 60 people. This general assembly then elected the 17-member executive body, which includes eight members of Moroccan origin, seven of Turkish .origin, one of Bosnian origin and one of Albanian origin

Ismaili said his main focus will be on the recognition of 292 mosques officially by the Belgian state. Till now about 80 mosques have been recognized officially, he noted. The .Belgian state supports official mosques financially

He said there are one million Muslims living in Belgium which has a population of 11 million. The largest group of Muslims in Belgium come from Morocco and Turkey and to a lesser extent from Pakistan, Algeria, Tunisia, Albania and Bosnia-Herzegovina Meanwhile, Isabelle Praile, a Belgian convert to Islam and former vice president of Speaking ".undemocratic" EMB, criticised the way the new members were selected as to KUNA, she said there was not one a single Muslim of Belgian origin in the new .EBM

Praile estimated that about 50,000 Belgians have converted to Islam. She also lamented that there were only two women in the new body although the percentage of Muslim .women in the country is quite high

In response, the new President of the EBM said Muslims of Belgian origin were candidates, but they were not elected.

Appendix 2.1

Historical Development of Brussels Islamic Centre



1967

During the visit to Belgium, the late King Fayçal, may Allah be pleased with him, received the oriental pavilion as a gift from King Boudewijn I



1978

King Ibn Abdelaziz, may Allah be pleased with him, inaugurated the new Islamic and Cultural Centre in the presence of King Boudewijn I, King of the Belgians

1986

The Inauguration of a mosque in the Brussels national airport, under the supervision of the Islamic Centre



Brussels Islamic Centre 2017

The historical overview of the Islamic centre of Brussels was indicated as the following:

1963: The Islamic Centre has its origin in a small rented building in a modest Brussels area thanks to the support of the Muslim embassies in Belgium

1967: During the visit to Belgium, the late King Faysal, received the oriental pavilion as a gift from King Boudewijn I. This pavilion is in one of Brussels' most beautiful areas near the European Community buildings. Its purpose was to serve as a mosque and headquarters of the new Islamic and Cultural Centre of Belgium

1968: King Faysal decided that his country will finance the entire construction and renovation works of the new Islamic and Cultural Centre of Belgium so that it can serve as a beacon of Islam in Europe. The Belgian government acknowledged the Islamic Centre as the representative of Islam and Muslims in Belgium

1974: The Belgian government officially acknowledged Islam as a religion and approved the introduction of Islamic courses in school programmes on June 27th, 1975

1978: King Ibn Abdelaziz inaugurated the new Islamic and Cultural Centre in the presence of King Boudewijn I, King of the Belgians

1982: The Muslim World League took care of the general costs of the Islamic Centre and allocates it a yearly budget

1983: The European Islamic Institute is inaugurated under supervision of the Muslim League

1986: The Inauguration of a mosque in the Brussels national airport, under supervision of the Islamic Centre

2018 The Belgium government stopped the agreement and gave responsibility to MBE

Appendix 3.1

Fatwa : Bed Siddik 2011

La Ligue du monde Islamique
Centre Islamique et Culturel
de Belgique

Mosquée de Bruxelles

بسم الله الرحمن الرحيم



Parc du Cinquantenaire 14 Jubelpark
Bruxelles 1000 Brussel
Tél: (02) 735.21.73 Fax: (02) 735.30.71

رايضة العالم اسلامي
المركز الاسلامي الثقافي ببلجيكا
مسجد بروكسل

السؤال :

مختص تعلم طريقة طهي اللحوم ما في ذلك حكم الحنيزر والندوق من الضح أو المرق
لمعرفة الملوحة أو ما يحتاج إليه من نوابيل ، تفيدكم بما يلي :

الجواب :

هؤلاء الطلبة إذا كانوا يخافون الطرد والحرمان من متابعة دروسهم بعد أن قطعوا فيها
أشواطاً ، سواء بالنسبة لهذه المدرسة التي يدرسون فيها حالياً أو في غيرها لصلق الأمر بنظام يجب
اتباعه وتطبيقه رسمياً وفي كل المدارس الموجودة بالدولة ، فإنه في مثل هذه الحالة :
ينظر في المطلوب منهم القيام به ، فإن كان مجرد تعلم طريقة طهي اللحم بما فيه لحم
الخنيزر ، فهذا لا يحظر فيه ، لأنه تعلم محض لا يصلح يأكله ولا تناولته لأحد ، وإنما هو درس
عملي ولغاية تعليمية ، كما هو الشأن بالنسبة لدروس التطبيق في أي مادة يتناولها الطالب
بإتقان ، وذلك لا يستلزم العمل بها حتماً استقبالا ، وهي لا تدرس بالنسبة لخصوص المسلمين
وإنما للعموم ولئن شاء .
فإذا أُلزم الطالب بإداء امتحان فيه ولم تكن له متلوجة من عدم المشاركة فيه ، فلا بأس
بذلك حتى لا يتعرض للطرد والحرمان من متابعة دراسته التي تراه له لشغل منصب يعيش منه
استقبالا ، وأما الأكل منه أو على الأصح الذوق منه بالنم فقط لمعرفة ملوحته مثلاً أو ما يحتاج
إليه من نوابيل... فإنه يمكنه الاقتصاص على الذوق باللسان دون بلع له ، بل يذوق ثم يمتص .
فإن قبل منه هذا ، فإن الأمر كذلك خفيف للمصلحة التي تدعو لذلك حفاظاً على حقوقه .
أما ما زاد على ذلك فما أظنه يكون مثزها به ويمكن مع ذلك الامتناع عنه في نفسه وتو
جلس على مائدته وليتعمل بما شاء لما لا بعد رفضاً للقيام بواجبه كطالب .
هنا ما رفقنا ! الله إليه والله أعلم .

مفتي المركز الإسلامي والثقافي ببلجيكا

الشيخ الحسن بن الصديق



La Ligue du monde Islamique
Centre Islamique et Culturel
de Belgique

Mosquée de Bruxelles



رايضة العالم الاسلامي
المركز الاسلامي الثقافي في بلجيكا
مسجد بروكسل

Parc du Cinquantenaire 14 Jubelpark
Bruxelles 1000 Brussel
Tél: (02) 735.21.73 Fax: (02) 735.30.71

AVIS RELIGIEUX (TRADUCTION)

La question : Concernant l'apprentissage de la préparation de viande dans laquelle il y a du porc, concernant le fait d'en goûter ;

La réponse :

Si, après avoir engagé des études, des étudiants craignent d'être renvoyés – que ce soit dans cette école ou une autre -, et comme il faut se soumettre au règlement, nous formulons l'avis suivant :

D'abord faut-il savoir ce qu'on leur demande :

- s'il ne s'agit que de l'apprentissage de la préparation de viande dans laquelle il y a du porc, ceci ne pose aucun problème car ce n'est qu'un apprentissage qui n'exige ni consommation ni service ; il s'agit tout simplement de pratique, comme c'est le cas dans beaucoup d'autres matières ; l'étudiant ne devra pas l'appliquer pour lui-même dans l'avenir ; ces cours ne sont pas réservés aux seuls musulmans puisqu'il s'agit d'un enseignement général ;
- Si l'étudiant est tenu de présenter un examen, ces mêmes choses ne posent pas de problème pour éviter l'exclusion, et garantir l'emploi après les études ; s'il s'agit de goûter sans avaler pour vérifier l'état de la préparation, il n'y a pas de problèmes si l'on n'avale pas en évitant bien sûr de cracher, et en enlevant en toute discrétion ce que l'on a goûté.

Si l'établissement est d'accord, voilà la solution au problème, car pour l'étudiant l'enjeu est important. Nous ne croyons pas que l'établissement exige des élèves à consommer la viande préparée.

Moufti du Centre islamique
et culturel de Belgique
Cheikh Hassan Ben Siddik



Document XI ter
A donner aux parents, tuteurs ou personnes
Ayant la garde de l'élève mineur ou l'élève majeur.

avis mosquée élève 2010

Appendix 3.2

Fatwas Panel of Saudi Scholars (undated)

Fatwa by panel of scholars in Saudi Arabia(Ibn Baz – Ibn Otameen – Ibn Jebreen) in addition to other Ahlu AISunna Wa AlJamaa scholars(Salafis cholars)including Sk Naser aldeen Alalbani , Sk Moqubil AlWadie....(4)

Shaykh Muhammad Naasiruddeen al-Albaanee

He was born in the city of Ashkoderah, then the capital of Albania in the year 1332 H (1914 CE.) into a poor family. His father al-Haaj Nooh Najjaatee al-Albaanee had completed Sharee'ah studies in Istanbul and returned a scholar to Albania. After Albania was taken over by atheism the family made Hijrah to Damascus. In Damascus Shaykh al-Albaanee completed his initial education and was then taught the Qur.aan, Tajweed, sciences of Arabic language, fiqh of the Hanafee madhab and further branches of the Deen by various Shaykhs and friends of his father.

He began to work in this field by transcribing al-Haafiz al-Iraaqee's monumental "alMughnee 'an-hamlil-Asfaar fil-Asfaar fee takhreej maa fil-lhyaa minal-Akhbaar" and adding notes to it. He delved further into the field of Hadeeth and its various sciences despite discouragement from his father. Furthermore, the books he needed were not to be found in his father's library which was composed mainly of various works of Hanafee Fiqh - and since he could not afford many of the books he required he would borrow them from the famous library of Damascus - "al-Maktabah adth-Dthaahiriyyah" or sometimes from book sellers. He became engrossed with the science of Hadeeth to the extent that he would sometimes close up his shop and remain in the library for up to twelve hours - breaking off his work only for prayer - he would not even leave to eat, but would take two light snacks with him.

Eventually the library authorities granted him a special room to himself for his study and his own key for access to the library before normal opening time. Often he would remain at work from early morning until after 'Ishaa. During this time he produced many useful works - many of which are still waiting to be printed.

The Shaykh faced much opposition in his efforts to promote Tawheed and the Sunnah but he bore this with patient perseverance. He was encouraged by some of the noble Shaykhs of Damascus who urged him to continue, amongst them Shaykh Bahjatul Bayjaar, Shaykh 'Abdul-Fattaah -the imam, and Towfeeq al-Barzah-rahimahumullaah.

After some time he started giving two weekly classes attended by students of knowledge and university teachers - in which he taught various books of 'Aqeedah, Fiqh, Usool and Hadeeth sciences. He also began organised monthly journeys for

Da'wah to the various cities of Syria and then Jordan. After a number of his works appeared in print the Shaykh was chosen to teach Hadeeth in the new University in Madeenah, Saudi Arabia, for three years from 1381 to 1383H where he was also a member of the University board.

After this he returned to his former studies and work in "al-Maktabah adth-Dthaahiriyyah" leaving his shop in the hands of one of his brothers.

He visited various countries for Da'wah and lectures - amongst them Qatar, Egypt, Kuwait, the Emirates, Spain and England. He was forced to emigrate a number of times moving from Syria to Jordan, then Syria again, then Beirut, then the Emirates, then again to 'Ammaan, Jordan. His works - mainly in the field of Hadeeth and its sciences number over 100. His students are many and include many Shaykhs of the present day amongst them:

Shaykh Hamdee 'Abdul-Majeed, Shaykh Muhammad 'Eed 'Abbaasee, Dr. 'Umar Sulaymaan al-Ashqar, Shaykh Muhammad Ibraheem Shaqrah, Shaykh Muqbil ibn Haadee al-Waadi'ee, Shaykh 'Alee Khushshaan, Shaykh Muhammad Jameel Zaynoo, Shaykh 'Abdur-Rahmaan Abdus-Samad, Shaykh 'Alee Hasan 'Abdul-Hameed al-Halabee, Shaykh Saleem al-Hilaalee.

The Shaykh passed away on Saturday 22 Jumaadaa ath-Thaaniyah 1420/2 October 1999.

He was 87 years of age. May Allaah (subhaanahu wa ta'aala) have Mercy upon his soul, Aameen.

A woman embracing Islaam whilst her husband does not

Question: Sometimes women embrace Islaam while their husbands do not. It is well known that a Muslim woman is not lawful for a non-Muslim man. However, for a woman to separate from the husband she loves and on whom she may depend for material support and in the breakup of her family is a great trial for her. It might even be a cause for her to hesitate about embracing Islaam. It also often happens that the husband embraces Islaam after a year or so. The wife hopes to attract her husband to Islaam while remaining in the same house as him after she has embraced Islaam. Is there any room in this matter for new independent reasoning, taking into consideration changing circumstances, benefit and the rule "the lesser of two evils"? Or is this matter something decided with no room for independent reasoning and so a woman entering Islaam must separate from her husband and perhaps even from her children?

Response: This question contains in fact two questions, one of which is more important than the other. The first and most important of them, is whether there can be new independent reasoning to solve this problem. The answer to this is that rulings in Islaamic law are of two kinds. The first are those where there is no room

for independent reasoning but rather that these rulings are beneficial at every time and in every place. The benefit therein might be clear, apparent and immediate or, alternatively, it might not be. Allaah, the Exalted says: {And Allaah knows while you know not.}, [Soorah an-Noor, Aayah 19]. It might appear to some people that to implement Islaamic law is difficult and sever in this matter and that it causes problems, while the truth of the matter is quite the opposite to what they imagine. Here, in this issue Islaamic law must be applied and there is no room for independent reasoning.

The second kind of ruling in Islaamic law, are those that are general and dependent upon circumstance. The circumstances, meaning or wisdom might be relevant and applicable at one time but not at another. If the ruling is relevant then it is established and applied and if it is no longer relevant then it is annulled. The issue of a Muslim woman staying with a disbeliever is a matter in which there is no room for independent reasoning because Allaah, the Exalted says: {O you who believe! When believing women come to you as emigrants, examine them. Allaah knows best as to their faith. If you are sure that they are true believers do not send them back to the disbelievers. They are not lawful (wives) for the disbelievers nor are the disbelievers lawful (husbands) for them.}, [Soorah al-Mumtahinah, Aayah 10].

Also, a person is not concerned about losing his son, husband or father if it is necessary in order to establish his or her faith and religion. If we consider our righteous predecessors we find that a man might kill his own father or son because they opposed him and stood in his way, in the matter of Allaah's religion. Accordingly, if a woman embraces Islaam and her husband persists in disbelief, most scholars say that one should wait until the 'iddah has ended. If the husband embraces Islaam during the period of the 'iddah, the marriage contract remains valid and they do not separate. However, if the period of the 'iddah ends before the husband has embraced Islaam, then the marriage is recorded as having ended at the time the woman embraced Islaam. She is then no longer lawful for him until her embraces Islaam and remarries her with a new contract (of marriage). Some scholars say that a woman who embraces Islaam is tied to her husband until the 'iddah comes to an end. During this time it is not possible for her to remarry and if he embraces Islaam she remains his wife. If, on the other hand, the period of the 'iddah has ended and he then embraces Islaam, she has no choice between returning to him, should she so wish, or not. This opinion is the most correct because the

Prophet (sal-Allaahu `alayhe wa sallam) sent his daughter, Zaynab, back to 'Abu al-'Aas Ibn Rabee' after six years. Therefore, if a woman embraces Islaam and her husband remains a disbeliever, they must separate. If he enters Islaam before her 'iddah has ended, then she is still his husband and does not have a choice of returning to him or not. However, if the period of the 'iddah has ended and she wishes to marry someone else, she has the right to do so. If she remains unmarried and her husband embraces Islaam, even after a long period of time has elapsed, if she so wishes she can go back to him. Shaykh Ibn al-'Uthaymeen / (al-Aqalliyaat al-Islaamiyyah, Page 69 Fatwa No.9)

Uniting upon correct belief

Question: It is noticeable that most Muslim minorities around the world concentrate on uniting the Muslims while neglecting to establish pure and correct Islaamic belief. What, your Eminence, do you have to say about this manhaj? **Response:** The call to unite the Muslims is, whichever way you look at it, a good thing and very important and there is a pressing need for it. However, if knowledge and correct understanding of religion and the tenets of faith accompany it, then this is more complete and more obligatory. This is because their uniting upon incorrect tenets of belief does not satisfy, nor fulfil what is required and does benefit them greatly. It is therefore necessary that the method of inviting is complete. It should be to unity and to holding firmly to the Rope of Allaah and adherence to His Religion while stressing the importance of correct belief. This is how the Messenger, prayers and peace be upon him, and his noble companions (radhi-yallaahu 'anhum) proceeded so that the method of inviting might be comprehensive and complete. Shaykh Ibn Baaz / (al-Aqalliyaat al-Islaamiyyah, Page 34 Fatwa No.8)

Study and work in mixed-sex-environments

Question: Muslim women and their daughters in western countries where there are Muslim minorities face very difficult circumstances in that education and work are mixed environments. We are caught between two possibilities. Either we cut-off our provision, stay at home and beg and as a result sink to a very desperate material condition, or, alternatively, wear our Islaamic hijab and study and work in those societies which do not differentiate between mixing and separation. What is your esteemed opinion concerning this matter?

Response: Concerning this very crucial issue, I believe that it is obligatory for a Muslim to

patiently adhere to and persevere with Allaah's religion and not to be of those whom Allaah describes, saying: {And of mankind are those that say, "We believe in Allaah." But if they are made to suffer for the Sake of Allaah, they consider the persecution of mankind as Allaah's punishment...}, [Soorah al-Ankaboot, Aayah 10]. A Muslim must be patient and if it is not possible to gain a livelihood except by what Allaah has forbidden, namely through the mixing of men and women, then this livelihood must be abandoned and another sought from another direction or from another country. Was Allaah's land not vast enough for you to emigrate therein? This is also true with respect to seeking knowledge. How good it would be if the Muslim minorities could establish their own schools based on the religion of Islaam, where boys and girls are taught separately. If that could be achieved it would be a great blessing. It is not possible, however, for us to permit the mixing of the sexes because of the seriousness of the issue and the level of temptation contained therein. Shaykh Ibn al-Uthaymeen / (al-Aqalliyyaat al-Islaamiyyah, Page 74 Fatwa No.14)

Marrying non-Muslim Women

Question: What is your advice concerning some Muslim minorities marrying disbelieving women who do not believe in the existence of a Creator and what is the effect of that upon the children?

Response: My advice to all Muslims is that they should not marry anyone who is not a Muslim. A Muslim man should do his utmost to marry a Muslim woman because that will be good for him, both in the life of this world and in the Hereafter and good for his children as well. With regards to marrying kuffaar, if they are not from the People of the Book, the Jews and Christians, then, according to clear text and consensus of the scholars, it is forbidden. According to a consensus of the scholars, it is not permitted for a Muslim to marry Buddhists, communists, atheists and so forth. Allaah (Subhaanahu wa Ta'aala) says: {And do not marry idolatresses until they believe.} [Soorah al-Baqarah, Aayah 221] Concerning the Settlement of Hdaybiyah, Allaah (Subhaanahu wa Ta'aala) ordered that the believing women, who came seeking emigration to the Prophet (sal-Allaahu `alayhe wa sallam) should not be returned to their disbelieving husbands. He (Subhaanahu wa Ta'aala) says: {They are not lawful (wives) for the disbelievers nor are the disbelievers lawful (husbands) for them.} [Soorah al-Mumtahinah, Aayah 10]

It is, therefore, not permitted for a Muslim to ever marry a kaafir woman unless she is from the People of the Book and they are the Jews and

Christians only. They are considered the People of the Book if they have remained upon the teachings of their Book. However, if they have become communists or deny the existence of a Creator, they are no longer People of the Book, but rather they have become atheists. If, however, they are from the People of the Book, adhere to the teachings of Christianity or Judaism and believe in Allaah and the Resurrection, then they can be married. This is provided that they are known to be chaste and it is known that they do not commit adultery or fornication. Allaah has made lawful for us chaste women from the People of the Book. He (Subhaanahu wa Ta'aala) says: {All good things are made lawful for you this day. The food of the People of the Book is lawful to you and your food is lawful to them. (Lawful to you in marriage) are chaste women from the believers and chaste women from those who were given the Scripture (Jews and Christians) before you, provided that you give them their dowries and live in honour with them, neither committing fornication nor taking them as mistresses... } [Soorah al-Maa'idah, Aayah 5]

Allaah has made lawful for Muslims chaste and virtuous women who are free and not slaves. There is no harm, therefore, in marrying women from the People of the Book, if the need arises. However, to refrain from doing so and to marry Muslim women is preferable and advisable, especially nowadays.

The risk involved in marrying them these days is greater because they have control and power over husbands and might, therefore, lead their husbands or their children to kufr in Allaah. My advice to all my brothers everywhere is, that they should not marry non-Muslim women and that they should be aware of the risks and end result of doing so. Rather, they should do their utmost to marry Muslim women and to educate and guide them to what is good. This is safer, especially at this time when evil and wickedness has increased. The kuffaar have today gained the upper hand over the Muslims, and women in the countries of the kuffaar have power and authority and dominate their Muslim husbands and try to attract them and their children to their false religion. And there is no power, no strength except with Allaah! Shaykh Ibn Baaz / (al-Aqalliyyaat al-Islaamiyyah, Page 29 Fatwa No.5)

Difference of religion and its effect on inheritance. Q. Can a Muslim inherit from a kaafir relative when he dies, or vice-versa? What do the Muslims say about people of different religions (other than Islam) inheriting from one another? **Praise be to Allaah.** Difference of

religion is one of the factors which prevent inheritance. A kaafir cannot inherit from a Muslim, according to scholarly consensus, and a Muslim cannot inherit from a kaafir, because the Prophet ﷺ (peace and blessings of Allaah be upon him) said: "A Muslim does not inherit from a kaafir and a kaafir does not inherit from a Muslim." (Reported by al-Bukhaari, 6262). If a kaafir becomes Muslim before the legacy is shared out, then according to Imaam Ahmad he is allowed to inherit, to encourage him in his Islam. As regards the kuffaar inheriting from one another, according to Imaam Abu Haneefah and Imaam al-Shaafa'i, and according to one opinion narrated from Ahmad, they can inherit from one another even if they belong to different religions, because Allaah says (interpretation of the meaning): "And those who disbelieve are allies to one another..." [al-Anfaal 8:73], and because despite the differences in their religions and sects, they are as one in their enmity towards the Muslims.

If a Muslim says the name of Allaah over the meat of the People of the Book, does this mean that it is permissible for him to eat it? Q. I

very doubtfull about the fact that many muslims say that if a christian or a jew give you meat to eat, we must say basmala to make it halal. But the islam teaches us that what is haraam is still haraam, even there is a good intention (i.e. to say basmala)

Praise be to Allaah. The scholars agree unanimously that it is permissible to eat the meat of the People of the Book, Jews and Christians, if the name of Allaah is mentioned at the time of slaughter, as Allaah says (interpretation of the meaning): "Eat not of that (meat) on which Allaah's Name has not been pronounced (at the time of slaughtering of the animal)..." [al-An'aam 6:121]. If the person mentioned a name other than that of Allaah, such as the name of 'Uzayr or of the Messiah, then it is not permissible to eat of it, because of the general meaning of the aayah (interpretation of the meaning): "He has forbidden you... that which is slaughtered as a sacrifice for others than Allaah." [al-Baqarah 2:173]. It is also a condition that the meat should be slaughtered in the manner prescribed by sharee'ah. If it is known that the slaughter was not done in the proper Islamic manner, e.g., by strangulation or electric shock and so on, then it is haraam. (al-Mawsoo'ah al-Fiqhiyyah, 2/308)

Q.What should a person who borrowed with interest(Ribba) do?

A.It is wajib that you repent for each loan involving interest you took. The Prophet ﷺ (peace and blessings of Allah be upon him) cursed all involved in the interest, the recipient, the sponsor, and the one eating and the feeding it, as stated in the authentic hadith. The Prophet ﷺ (peace and blessings of Allah be upon him) said, " *The gold for the gold, the silver for the silver, wheat for wheat, barley for barley, date for date, salt for salt, similar for the like, and hand in hand. So whoever adds or seeks to add, then he has used riba. The recipient and the giver of the transaction are the same*

may Allah be pleased) On the authority of Jabir with him) who said that the Messenger of Allah (peace and blessings of Allah be upon him) ﷺ consumes interest, the one "cursed the one who giving it, the one bearing scroll, and the two " witnesses to it. peace and blessings) ﷺ He said are all equal. Muslim of Allah be upon him)," narrated it.)

If a Muslim wants to partake in a specific affair and he doesn't know it's ruling, then it is upon him to ask before he gets involved in it. every Ignorance isn't an excuse for each and situation. As far as the loans you borrowed, you the initial money are obligated to return borrowed only. If you are forced to pay riba, and added amount with no way out, then that is the we hope that you do your best in repenting to Allah to pardon you. We also hope that you and give remain consistent in your business sadaqa with what you are able to, in order to purify yourself and you wealth.**Almunajed**

Brothers and sisters we have to warn you from the so called European committee for Fatwa since some of their Fatwas for example : they allow Riba (mortgage), inheritance of non muslims, mixing between male and female, masturbation, selling alcohol to non muslims. most of the so called scholars in the committee are part of political groups that are innovated such as Ikwan alMuslimeen. So do not listen to their wrong Fatwa.

Appendix 4.1: English Sample of Background Questions

Introductory Set of Questions

Today's date:

Used Method: ☐ Oral with texts ☐ Recorded and written down

City: location if in Brussels

Name/ Code:

Gender: ☐ Male ☐ Female

Generation O First Generation O Second Generation

Age category: ☐ 18 to 35 ☐ 36 to 65 ☐ Over 65

Ethnic / Country of birth: ☐ Turkey ☐ Morocco ☐ Other

Religious identification: ☐ Sunni ☐ Shi'ite ☐ Other

Duration of living in Belgium: 0 Less than five years

☐ From five to ten years

☐ More than ten years

Belgian citizenship: O Citizen Since when?

O Not citizen Why?

O Have the right but does not want. Why?

Current occupation: ☐ Student ☐ Self-employed ☐ mainstream jobs others

☐ Retired ☐ Not working

[The interviewees answered all of these questions except four who refused to give their names]

Background (Open Ended) Sets of Questions for Interviews

I aim at deep focused and detailed one to one discussions Interviewee's answered most of the questions depending on their interests

Set 1: Measuring Belonging:

Belonging to Countries of Origins

Contact with the country of origin how often and why?; What language(s) do you speak at home/at work?; If married do you teach your children ethnic languages?; Do you have/ prefer taking partners from the same ethnic group or you are not against the taking partners from other ethnic groups?; Do you prefer to live in a community where Muslims represent the majority? Why?

Belonging to Belgium:

What are the civic features you like/ dislike in Belgium? Do you experience difficulties? Do you enquire Belgian citizenship? If not, why not? What is your employment status? ; What kind of differences do you see between Muslims in Europe and others in countries of origin? ; What are your anticipations for the future?

Set 2: Coping with the European Context

What are the hindrances that you consider serious to live as a Muslim in a non-Muslim majority Belgium? What are the difficult issues that you consider as dividing Muslims from other non-Muslim Belgians: cultural issues, family matters, financial issues, personal matters, gender issues; food issues? Relationship/ marriage/ media/

other unfulfilled desires/ racism, others or none. Do you experience any? Do you have stories/experiences to share? What are your expectations from the majority and the authorities? What are your anticipations for the future?

Set 3: Religiosity and Ethnicity

What is more important your ethnic origin or belonging to the global community of Islam? How do you identify yourself in this context? Do you practice all religious duties? Which religious practices do you consider the most important?; What is your source (s) of religious help?; In the context of Europe, where there is no restriction on performing Islamic duties, do you still see an important role for Islamic laws in day-to-day affairs?; What is your view on Islamic public identifications such as dress codes, beards or women's veils?

Set 4: Shari'ah Interpretations and Minority Jurisprudence

Are you aware of the different approaches to Shari'ah? Should Shari'ah interpretation be different for Muslims in Europe? If no, what is the alternative? Are you aware of the emergence of a Fiqh al-Aqaliyyat? How do you view receptivity? Awareness: application or rejection? What are your anticipations for the future?

Set 5: Questionnaire for Participants in Crises Circumstances

Inmates, illness and those who chose to go against their religious convictions.; Describe your situation.; What are the bases of your choices? Will you maintain your choices if the circumstances change? How do you see the future of Islam in Belgium?

Set 6: Questions for Leaders and Organizations

Identifications imam, mufti / organization; What are the difficult issues that Muslims face in Belgium? What help Muslims ask for while coping with the European laws? Which position you/your organization adopt in offering resolutions? Do you encourage Muslims to acquire Belgium citizenship? Do you encourage people to apply principles from 'fiqh- al-Aqaliyyat?'; If yes, in which areas? Would you encourage interaction with non-Muslims? Do you, as a leader or religious organization, play a role in the media and public life?

Set 7: Questions for Confirmation Groups

Do you agree with Muslims who apply/encourage the application of a creative Shari'ah interpretation (fiqh al-Aqaliyyat)? Do you encourage Muslims to have children in Europe? Or do you discourage them why: because of fear of children not becoming good Muslims, the negative influence from the non-Muslims, or other reasons.; Do you agree that Muslim women should be allowed to marry non-Muslim husbands if they choose to?; Do you encourage the applications of European family laws that grant equal rights to men and women concerning marriage and divorce?; Can a Muslim consider a job that requires the handling of prohibited substances?; Do you agree that a European Muslim may be allowed to prepare or serve prohibited food or drinks to his non-Muslim friends? ; Can a Muslim take insurance or loans from non-Islamic financial institutions if there is no other alternative? What about interest from non-Islamic banks? Should Muslim students be allowed to enrol in cooking schools even if they handle prohibited food and drinks? Thank you for your help.

Other questions were added to each category depending on the interests of the participants.

Appendix 4.2
Relevant Aspects of Identity (ID)

Code First Name Date	ID I Gender Generation Age Category Employment	ID II Ethnic and Religious Group	ID III Residence	ID IV Belgian Citizenship	ID V Marital Status & Children
1 Abd ilkarem 3/10/14	Male 2 nd Generation 18-35 years Self-employed	Sunni Moroccan	Brussels /Schaerbeek	Born and lived in Belgium Holding Citizenship	Married /2 children
2 Morad 3/10/14	M 1 st G 36-65 University student	Turkish- Sunni	Brussels / St. Joose	Less than 5 years in Belgium.	Not married
3Bouz- enab 17/10/14	M 1 st G 36-65 Imam	Moroccan Sunni	Brussels centre	More than 10 years Holding Citizenship	Married/ 2 children
4Chuitar 17/10/14	F 2 nd G 36-65 School teacher	Moroccan Sunni	Schaerbeek Brussels	Born, lived in Belgium Holding Citizenship	Not married
5Abd iqader 7/11/14	M 1 st G 36-65 Self-employed	Sunni in Morocco/ Shia in Belgium	Anderlecht Brussels	More than 10 years Holding Citizenship	Married/ 4 Children
6 Mohamd 14/11/14	M 1 st G 36-65 Self-employed	Libyan Sunni-	Brussels city	8 years in Belgium Holding Citizenship	Married 3 children
7 Hanan 14/11/14	F 1 st G 36- 65 Family re- grouping School teacher	Moroccan Sunni/	Brugge	More than 10 years Holding Citizenship	Not married
8 Mostafa 14/11/14	M 1 st G 36-65 School teacher	Moroccan Sunni	Molenbeek Brussels	More than 10 years Holding Citizenship	Married /6 children Belgian wife
9 Latefa 21/1/15	F 2 nd G 36-65 Student	Tunisian Sunni	St Joose Brussels	Born in Belgium. Holding Citizenship	Not married
10 Nadia 2/2/15	F 2 nd G 18-35 University student	Moroccan Sunni	Etterbeek Brussels	Born in Belgium. Holding Citizenship	Not married

11Noor ildeen 5/2/15	M 1 st G 36-65 Self-employed	Moroccan Sunni	Molenbeek Brussels	More than 10 years Holding Citizenship	Married 4 children
12. Al Bakay 5/2/15	M 1 st G 18-35 Not working	Moroccan Sunni Islam	Anderlecht Brussels	Less than 5years Denied Citizenship because his father moved back to Morocco	Not married
13. Amar 12/2/15	M 1 st G 36-65 Self-employed	Shia from Syria	Anderlecht Brussels	More than 5 years in Belgium	Not married does not want to have children
14Nawal 12/2/15	F 2 nd G 18-35 Nurse	Sunni from Tunisia	Forest Brussels	Born in Belgium. Holding Citizenship	Married 2 children
15Fatima 2/3/15	F 1 st G 36-65 Not working	Sunni from Morocco	Molenbeek Brussels	More than 10 years Holding Citizenship	Married 1 child Second wife
16 Mohamd 2/3/15	M 2 nd G 36-65 Self-employed	Sunni from Egypt	Schaerbeek Brussels	Born in Belgium. Holding Citizenship	Not married
17. Ahmad 9/3/15	M 1 st G 36-65 Not working	Sunni from Morocco	Schaerbeek Brussels	5 years in Belgium	Married 1child
18.Abd- ilkarim 9/3/15	M 1 st G 36-65 University student	Sunni from Morocco	Schaerbeek Brussels	5 years in Belgium	Not married
19. Bochra 16/4/15	F 2 nd G 18-35 Self-employed	She is Sunni Morocco	Anderlecht Brussels goes back and forth to Morocco for Business	Born in Belgium Holding Citizenship	Married and has one child
20. Hassan 16/4/15	M 1 st G 36-65 Self-employed	Sunni in Morocco now does not believe in any religion	Brussels city centre	More than 10 years in Belgium Holding Citizenship	Married and has 4 children
21. Tamam 16/4/15	M 1 st G More than 65 Self-employed	He is from Syria Shia refused to tell in the beginning.	Molenbeek Brussels	More than 10 years. Denied Citizenship because he did not meet all the requirements	Married and has 5 children

22. Foad 23/6/15	M 1 st G 36-65 Self-employed	Sunni from Morocco	Anderlecht Brussels	More than 10 years Holding Citizenship	Married and has 3 children
23. Allal &wife Together 28/8/15	Both are 1 st G and are more than 65 Retired use to work in slaughtering house	Both are Sunni from Morocco	Brussels city	More than 30 years in Belgium Holding Citizenship	Married and has 4 children & one adopted
24. Murat 28/8/15	M 2 nd G 18-35 Self-employed	Sunni from Turkey	Saint Joost Brussels	Born in Belgium. Holding Citizenship	Married has 3 children
25. Zeyneb 23/1/15	F 2 nd G. 18-35 Cleaning job	Sunni from Turkey	Forest Brussels	Born in Belgium Holding Citizenship	Married and has 2 children
26. Denho 2/9/15	M 1 st G 36-65 Self-employed	Sunni from Syria	Anderlecht Brussels	More than 20 years in Belgium Holding Citizenship	Married and has 6 children
27. Sam 2/9/15	M 1 st G 36-65 Factory worker	Sunni from Morocco	Molenbeek Brussels	More than 30 years. In Belgium. Holding Citizenship	7 children Married two wives, with has 3 children from the 1 st and 4 from the 2 nd
28. Kawthar 23/10/15	F 1 st G 18-35 Not working	Sunni From Moroccan	Brussels city centre	More than 10 years Holding Citizenship	Married to a non-Muslim husband and has one child
29 Madeha 30/10/15	F 2 nd G. 36-65 Academy of music	Sunni/ from Morocco	Molenbeek Brussels	Born in Belgium Holding Citizenship.	Married a Jew and has 2 children
30 Hocine 30/10/15	M 1 st G. More than 65 Retired	Sunni from Algeria	Moved from France to Brussels Molenbeek after the marriage of their daughter	Lived than 40 years. In France and moved to Belgium since 2 years Holding Citizenship	Married and has one child because they are physically un able for more
31 Samy 20/11/15	M 1 st G 18-35 factory worker	Shia from Jordon	Gent (Ghent)	More than 10 years in Belgium Holding Citizenship	One child /second wife

32 Manal 20/11/15	F 1 st G. 36-65 Self-employed	Sunni from Syria	Gent	More than 20 years in Belgium Holding Citizenship	Divorced has 3 children
33 Kate 27/11/15	F 1 st G 36-65 Not working	Sunni from Morocco.	Molenbeek Brussels	More than 35 years in Belgium Holding Citizenship	8 children: 3 with 2 nd non-Muslim husband & 5 children 1 st husband
34 Azza 27/11/15	F 1 st G. 36-65 Not working	Sunni from Egypt.	Gent	More than 20 years. in Belgium Holding Citizenship	Widow has a twin with a convert husband.
35 Abu-Amar 13/12/15	M 1 st G 36-65 Computer company	Palestinian Sunni	Gent	More than 20 years in Belgium He refused to have citizenship	Married & has 2 children
36 Muhamd 20/3/15	M 1 st G 36-65 Self-employed	Sunni from Morocco	Forest Brussels	More than 20 years in Belgium Holding Citizenship	Not married
37 Karima 20/12/15	F 1 st G. 36-65 Self-employed	Sunni from Tunisia	Namur	More than 20 years in Belgium Holding Citizenship	Married has 3 children
38 [not given] 20/12/15	M 1 st G 36-65 Self-employed	Shia from Morocco	Schaerbeek Brussels	More than 20 years in Belgium. Holding Citizenship	Married and has 2 children
39 Omar 20/12/15	M 1 st G 18-35 came for marriage Self-employed	Sunni from Morocco	Schaerbeek Brussels	More than 5 years in Belgium. Holding Citizenship	Married no children
40 [not given] 27/12/16	M 1 st G More than 65 Retired	Sunni from Morocco	Molenbeek Brussels	More than 40 years in Belgium Holding Citizenship	7 children: 1 st wife & no children with 2 nd wife

41 Ayashi 3/4/16	M 1 st G 36-65 Self-employed	Sunni from Algeria	Anderlecht Brussels	More than 20 years. Holding Citizenship	Married has 4 children
42 Abd el Jabar 10/4/16	M 1 st G 36-65 Self-employed	Sunni from Morocco	Forest Brussels	More than 20 years Holding Citizenship	Married has 6 children
43 [not given]	F 2 nd G. 18-35	Sunni from	Brugge	Born in Belgium. Holding Citizenship	Not married

10/4/16	Cleaning job	Algeria			
44Mohmed 8/5/16	M 2 nd G 18-35 Self-employed	Sunni from Morocco	Molenbeek Brussels	Born in Belgium Holding Citizenship	Married has 2 children
45Mohoud 15/5/16	M 1 st G 36-65 Self-employed	Sunni from Algeria (Kabyle)	Anderlecht Brussels	More than 20 years. Holding Citizenship	Married to a Belgian wife has 2 children
46 Elyia 15/5/16	M 2 nd G 18-35 Self-employed	Sunni from Syria	Antwerp	Born in Belgium. Holding Citizenship	Not married
47 [not given] 22/5/16	M 1 st G over 65 Retired	Shia from Syria	Antwerp	More than 20 years in Belgium. Holding Citizenship	Married and no children
48 Mahmud 22/5/16	M 1 st G over 65 Retired	Sunni from Morocco	Antwerp	More than 30 years in Belgium Holding Citizenship	Married and has 7 children
49Fath el- Bab 22/5/16	M 2 nd G 18-35 Student	Sunni from Morocco	Antwerp	Born in Belgium. Holding Citizenship	Divorcee has 1 Child
50AlMansour 22/5/16	M 1 st G 36-65 Bus driver	Sunni from Morocco	Antwerp	More than 15 years in Belgium Holding Citizenship	Widow has 5 children
51 Zyayda 29/5/16	F 2 nd G. 18-35 Student	Sunni from Morocco	Antwerp	Born in Belgium. Holding Citizenship	Not married
52 Said 29/5/16	M 2 nd G 18-35 Student	Sunni from Morocco	Antwerp	Born in Belgium. Holding Citizenship	Not married
53 Fatemi 5/6/16	M 1 st G 36-65 Self-employed	Sunni from Syria	Antwerp	More than 25 yrs. In Belgium Holding Citizenship	Married has 3 children
54 Mohsin 12/6/16	M 1 st G 36-65 Self-employed	Sunni from Algeria (Kabyle)	Anderlecht Brussels	More than 20 years in Belgium. Holding Citizenship	Not married
55 Saeed 10/7/16	M 2 nd G 18-35 Student	Sunni from Turkey	Anderlecht Brussels	Born in Belgium Holding Citizenship	Not married
56Youssef 10/7/16	M 2 nd G 18-35 Student	Sunni from Algeria	Anderlecht Brussels	Born in Belgium. Holding Citizenship	Not married
57Abd- alJabar 10/7/16	M 2 nd G 18-35 Student	Sunni from Morocco	Brussels city	Born in Belgium. Holding Citizenship	Not married
58Muhand 10/7/16	M 2 nd G 18-35 Student	Sunni from	Anderlecht Brussels	Born in Belgium. Holding Citizenship	Not married

	35 Student	Morocco			
59 Tucsa 10/7/16	F 2nd G 18-35 Student	Sunni from Turkey	St. Joosse Brussels	Born in Belgium Holding Citizenship	Not married
60 Zekraa 10/7/16	F 2nd G 18-35 Student	Sunni from Morocco	Anderlecht Brussels	Born in Belgium Holding Citizenship	Not married
61 Alaa 7/8/16	M 2nd G 18-35 Tram driver	Sunni from Algeria	Brugge	More than 10 years in Belgium Holding Citizenship	Not married
62 Mohmd 7/8/16	M 1st G 36-65 Self-employed	Sunni from Morocco	Molenbeek Brussels	More than 15 years in Belgium Holding Citizenship	Married has 4 children
63 Omar 17/9/16	M 1st G 36-65 Self-employed	Sunni from Morocco	Schaerbeek Brussels	More than 10 years in Belgium Holding Citizenship	Married has 3 children
64 Fatima 17/9/16	F 1st G 18-35 Teacher	Sunni from Tunisia	Anderlecht Brussels	More than 10 years in Belgium Holding Citizenship	Married has 3 children
65 Shadi 24/9/16	M 2nd G 18-35 Nurse	Sunni from Morocco	Namur	Born in Belgium Holding Citizenship	Not married
66 Sami 24/9/16	M 1st G 36-65 Office worker	Sunni from Jordon	Aalst	More than 15 years in Belgium Holding Citizenship	Married to non-Muslim refused to have children
67 Hiba 2/10/16	F 2nd G 18-35 Student	Sunni from Syria	Brussels city	Born in Belgium Holding Citizenship	Married and has no children
68 Madeha 2/10/16	F 1st G 36-65 Metro driver	Sunni from Morocco	Brussels city	More than 20 years in Belgium Holding Citizenship	Married no children non-Muslim husband
69 Charlle 2/10/16	M 1st G 36-65 Self-employed	Sunni / Belgium convert	Anderlecht Brussels	More than 15 years in Belgium Holding Citizenship	Married to Moroccan wife has 3 children
70 Mohamad 11/10/16	M 1st G 36-65 Bus driver	Sunni from Morocco	Schaerbeek Brussels	Born in Belgium Holding Citizenship	Not married
71 Younes 11/10/16	M 2nd G 18-35 Self-employed	Sunni from Morocco	Brussels city	Born in Belgium Holding Citizenship	Married has 3 children
72 Yousef 25/10/16	M 1st G 36-65 Bank worker	Algerian Sunni	Molenbeek Brussels	20 years in Belgium Holding Citizenship	Married has 5 children

73Mostafa 25/10/16	M 2 nd G 18-35 Self-employed	Moroccan Sunni	Molenbeek Brussels	Born in Belgium Holding Citizenship	Married has 2 children
74Hassan 25/10/16	M 1 st G 36-65 Not working	Moroccan Sunni	Molenbeek Brussels	32 years in Belgium Holding Citizenship.	Married has 6 children
75Abd-Allah 2/11/16	M 2 nd G 18-35 Self-employed	Tunisian Sunni	Anderlecht Brussels	Born in Belgium Holding Citizenship	Married has 1 child
76AlMoghtar 2/11/16	M 2 nd G 18-35 Self-employed	Moroccan Shia	Molenbeek Brussels	Born in Belgium Holding Citizenship	Not Married
77Ismael 4/11/16	M 2 nd G 36-65 Not working	Algerian Sunni	Molenbeek Brussels	Born in Belgium Holding Citizenship	Married to non-Muslim wife has 3 children
78Aala 14/11/16	M 2 nd G 36-65 Not working	Moroccan Shia	Anderlecht Brussels	Born in Belgium Holding Citizenship	Married has 2 children
79Abde Malek 20/11/16	M 2 nd G. 18-35 Self-employed	Moroccan Sunni	Molenbeek Brussels	Born in Belgium Holding Citizenship	Not married
80Mamon 20/11/16	M 2 nd G 18-35 School teacher	Moroccan Shia	Anderlecht Brussels	Born in Belgium Holding Citizenship	Not married
81Abd-elmonaam 20/11/16	M 2 nd G 18-35 Cleaning company	Moroccan Sunni	Schaerbeek Brussels	Born in Belgium Holding Citizenship	Not married
82 Abd Imajed 20/11/16	M 1 st G 36-65 Not working	Moroccan Sunni	Etterbeek Brussels	More than 10 years in Belgium Holding Citizenship	Married has 4 children

83 Leader1 15/3/14	M 1 st G 36-65	Turkish Sunni	Charlroi	Lives in Belgium more than 10 years Holding Citizenship	Married has 2 children
84Leader 2 11/12/16	M 1 st G 36-65	Moroccan Sunni	Etterbeek Brussels	Lives in Belgium more than 10 years Holding Citizenship	Married has 3 children
85 Leader 3 5/1/17	M 1 st G 36-65	Sudanese Sunni	Etterbeek Brussels	Lives in Belgium more than 10 years	Married has 3 children

	65			Holding Citizenship	
86 Leader 4 13/1/17	M 1 st G 36- 65	Saudi Arabian Sunni	Etterbeek Brussels	Lives in Belgium more than 30 years Does not inquire Belgian citizenship	Married has 5 children
87 Kraem 13/1/17	M 1 st G 36- 65 Imam	Moroccan Sunni	Wemmel	Lives in Belgium more than 10 years Holding Citizenship	Married has 2 children
88 Inmate 1 of ten inmates January 2017	M 2 nd G 18-35 Not working Prison inmate	Moroccan Sunni	St. Gillis Brussels All the ten used to live in Brussels	Born in Belgium Holding Citizenship	Not married
89 Inmate 2	M 2 nd G 18-35	Moroccan Sunni	St. Gillis Brussels	Born in Belgium Holding Citizenship	Not married
90 Inmate 3	M 2 nd G 18-35	Moroccan Sunni	St. Gillis Brussels	Born in Belgium Holding Citizenship	Not married
91 Inmate 4	M 2 nd G 18-35	Moroccan Sunni	St. Gillis Brussels	Born in Belgium Holding Citizenship	Not married
92 Inmate 5	M 2 nd G 18- 35	Moroccan Sunni	St. Gillis Brussels	Born in Belgium Holding Citizenship	Not married
93 Inmate 6	M 1 st G 36-65	Moroccan Sunni	St. Gillis Brussels	Lives in Belgium more than 10 years in Belgium Holding Citizenship	Married has 2 children
94 Inmate 7	M 1 st G 36-65	Moroccan Sunni	St. Gillis Brussels	Lives in Belgium more than 10 years Holding Citizenship	Married has 3 children
95 Inmate 8	M 1 st G 36- 65	Algerian Sunni	St. Gillis Brussels	Lives in Belgium more than 10 years Holding Citizenship	Married has 4 children
96 Inmate 9	M 1 st G 36-65 Not working	Algerian Sunni	St. Gillis Brussels	Lives in Belgium more than 10 years Holding Citizenship	Married has 3 children
97 Inmate 10	M 1 st G 36-65 Not working	Tunisian Sunni	St. Gillis Brussels	Lives in Belgium more than 10 years Holding Citizenship	Married has 3 children
98 Study Case 10/02/ 2017 Student 1	Male 2 nd G 18-35 student	Moroccan Sunni	Anderlecht Brussels	Born in Belgium Holding Citizenship	Not married
99 Student 2	M 2 nd G 18-35 Student	Moroccan Sunni	Anderlecht Brussels	Born in Belgium Holding Citizenship	Not married
100 Student 3	M 2 nd G 18-35 Student	Moroccan Sunni	St. Petersleewe	Born in Belgium Holding Citizenship	Not married

101 Student 4	Mal 2 nd G 18-35 Student	Moroccan Sunni	Anderlecht Brussels	Born in Belgium Holding Citizenship	Not married
102 Student 5	F 2 nd G 18-35 Student	Turkish Sunni	St Josse Brussels	Born in Belgium Holding Citizenship	Not married
103 Student 6	F 2 nd G 18-35 Student	Turkish Sunni	St. Josse Brussels	Born in Belgium Holding Citizenship	Not married
104 Restaurant1 Five workers March 2017	M 1 st G 36-65 Self- employed	Tunisian Sunni	Brussels city	Born in Belgium Holding Citizenship	Married has 3 children
105 Restaurant2	M 2 nd G 18-35 Self- employed	Moroccan Sunni	Brussels city	Born in Belgium Holding Citizenship	Not married
106 Restaurant 3	M 2 nd G 18-35 Self- employed	Turkish Sunni	Brussels city	Born in Belgium Holding Citizenship	Not married
107 Restaurant 4	M 2 nd G 18-35 Self- employed	Turkish Sunni	Brussels city	Born in Belgium Holding Citizenship	Not married
108 Hotel Cook	M 1 st G 36- 65 Cook	Syrian Shia	Alast	Born in Belgium Holding Citizenship	Married has 5 children

APPENDIX 4.3

BELONGING

Co de	Attraction to Belgian Civic Life	Spoken Languages at Home& Work	Visit to lands of origin. How often & why?
0	Attractions to civic life Democracy	Arabic at home with children French and Arabic at work	He visits only when needed There is a family there.
2	Respect and tolerance	French at home and at school	He visits once a year and when needed he has a family there
3	Human rights Belgian citizen	Arabic and French at home with children and at work as well	He visits when needed depending on work and children's university
4	Education and tolerance	French at home and at school	She visits once a year for vacation
5	Democracy	Arabic at home with children and Arabic and French at work	He visits once a year and when needed he has a family there
6	Justice, freedom of expressions and religious freedom	Arabic at home with children and French at work	He visits once a year and when needed he has a house there
7	Freedom and democracy	Arabic at home French and Dutch at work	She visits once a year and when needed she has a family there
8	Freedom, health insurances and work conditions	Arabic at home with children French at work	He visits once a year and when needed
9	Freedom and democracy that Belgian offers	Arabic at home French at school	She visits once a year and when needed she has a family there
10	Respect to human rights	French and little Arabic at home and French in studies	She visits only if needed She has no family there

11	justice, freedom and democracy	Arabic at home and Arabic and French at work	He visits only if needed he has no family there
12	Democracy freedom, services such as: transportation	Arabic and French always	He visits only if needed he has a family there
13	Religious freedom and the care we receive from some churches	Arabic and French always	He does not visit
14	Life style in Belgium; housing, cleaning...	French at home Arabic French and Dutch at work	She visits once a year and when needed she has a family there
15	Social and financial solidarity	Arabic at home and French	She visits once a year and when needed she has a

5			family there
1 6	Freedom even if it leads to the forbidden in Islam e.g. homo-sexuality	Arabic at home French and Dutch Always	He visits once a year and when needed he has a family there
1 7	Health care and the happy life style Music, cinema, social evenings	Arabic and French always at home and work	He has a family there and visits once a year
1 8	Democracy	Arabic at home French in the university	He visits once a year and when needed he has a family there
1 9	Media European life styles	French and little Arabic always	She travels back and force always as she has a business in Morocco
2 0	Freedom, respect and tolerance	French always and Arabic when needed	He visits only when needed to see his mother
2 1	Freedom and democracy	Arabic at home and some French	He does not go
2 2	Offered equal rights in Belgium	Berber at home Arabic, and French sometimes	He visits only when needed He has a family there, but He does not like to go for vacation
2 3	Democracy, equal treatments and services for elderly people	Arabic at home French when needed	He visits when needed
2 4	Respect for humans, education and health care	French and Turkish at home	He visits once a year and when needed he has a family there
2 5	Care for children and the social security system	French and Turkish at home	She visits once a year and when needed she has a family there
6 2	Everything in Belgium	Arabic at home and French if needed	He visits when needed he has a family there
2 7	Democracy and human rights	Arabic and French at home French at work	He visits once a year and when needed he has a family and a house there
2 8	Life in Belgium everything is good	Arabic at home and French	She visits when needed to visit her parents
2 9	Everything in Belgium	French, Hebrew and little Arabic at home French and English at work	Visits only for vacation
3 0	Life in Europe in general	French and little Arabic always	Visits once a year for vacations
3 1	Freedom and social security	French at home (European wife) French at work and Arabic with friends	Visits when needed
2	Genders Equality	Arabic at home French at	She goes when needed

3	and civil laws	work	
3	Freedom	French and Arabic when needed	Only for vacation once a year
3	Everything in Belgium	French and Arabic at home	Only when needed
5	Democracy	Dutch and Arabic at home	He does not go any more
3	He does not like life in Europe	Arabic at home French at work	He goes once a year and when needed they have a house and a family there
6			
3	Equal rights & equality for all	Arabic and French always	She goes once a year and when needed they have a house there
7			
3	The freedom Working conditions & justice	Arabic at home French at work	He goes once a year and when needed they have a house and a family there
8			
9	He does not like life in Europe'	Arabic at home French and Arabic at work	He goes once a year and when needed and he has a family there
3			
4	Justice freedom Democracy	Arabic and French when needed	He goes once a year to visit family and friends
0			

4	Democracy Male	Arabic at home French and Arabic at work	He goes once a year and when needed he has a family there
1			
2	The way European celebrate Christmas	Arabic at home French and Arabic at work	He goes once a year and when needed he has a house and a family there
4			
3	Freedom but 'responsible' freedom	Arabic at home French, Dutch and Arabic at work	She goes once a year and when needed I have a house and a family there
4			
4	Working conditions & insurances	Arabic at home French at work	He goes once a year and when needed he has a house and a family there
4			
5	human rights & freedom	Only French	He goes with family for vacation
4			
4	Democracy and justice	Only French	He goes once or twice a year
6			
4	Democracy, justice and human rights	Only French	He goes only when
7			
8	Democracy, justice and work conditions	Only French	Once a year and when needed
4			
9	Democracy and religious freedom	Only French	He goes when needed
4			
5	Freedom, human rights and justice	Only French	Once a year and when needed
0			
1	Justice and human rights	Arabic at home French at work	She goes with family once a year and when needed. They have a house there
5			
2	Freedom, justice and human rights	Arabic at home Dutch at work	He does not go
5			

3 5	Human rights and democracy	Arabic and Dutch always	He does not go
5 4	Democracy, justice, human rights and social security laws	Arabic and Dutch always	He goes once a year and when needed he has a house there
5 5	Working laws and social security	Only French and Dutch	He goes once a year and when needed they have a house there
5 6	Democracy, justice and human rights	French and Dutch	He goes once a year and when needed.
5 7	Democracy and justice	French and Dutch	He goes sometimes with his family for vacation [not necessarily each year]
5 8	Democracy and justice	French and Dutch	He and family go for feasts and when possible [financially]
5 9	Human rights and justice	French and Dutch	She does not go
6 0	Security and working laws	French and Dutch	She goes for vacation and when needed
6 1	Respect to the civic laws	French and Arabic at home	He goes only when needed
6 2	Freedom, justice, democracy	French and Arabic at home	Once a year and when needed
3 6	Freedom, justice and working laws	Arabic at home and French	Once a year and when needed
6 4	Family laws	More French than Arabic	Only when needed
6 5	The respect to Muslims ways raising up children	Arabic and French	Once a year and when needed
6 6	Human rights	French, Dutch Arabic at	Only when needed
6 7	Democracy	French and Dutch	For vacation when needed
6 8	All aspects of life especially religious freedom	French/Dutch and some Arabic	Only if needed
6 9	Religious freedom	French Arabic at home	My country is Belgium. I visit Morocco with my Moroccan wife
7 0	Social security Working laws	French and Arabic at home	Once a year and when needed
7 1	Social security and respect to human freedom	French and Arabic at home	Only when needed
7 2	Life in Europe offers equal rights regardless to gender or social status [rich or poor]	French and Arabic at home	Once a year and when needed

7 3	Medical care and the treatments offered	French and Arabic at home	Once a year and when needed
7 4	Religious freedom	French and Arabic at home	He spends more time in country of origin than in Belgium
7 5	Democracy, human rights and social security	French and Arabic at home	When needed but often more than once a year
7 6	Freedom and respect to human rights	French and Arabic at home	Once a year but for a long period
7 7	The freedom offered for all and respect to human rights	French and Arabic at home	Once a year and when needed
7 8	Life in Europe is better than in our country of origin	French and Arabic at home	Once a year and when needed
7 9	Human rights and respect to personal freedom	French and Arabic at home	Once a year and when needed
8 0	Religious freedom is better than in our country of origin	French and Arabic at home	Once a year and when needed
8 1	Working conditions and equal rights	French and Arabic	Once a year and when needed
8 2	Social security is better than in our country of origin	French and Arabic at home	Once a year and when needed
3 8	Freedom and respect	Turkish at home and French	Once a year and when needed
4 8	The principals of respect to choices	English and Arabic	He owns a house and visits often
8 5	Religious freedom	Arabic, English and French	Does not go
6 8	Equal freedom	Arabic at home and French	Once a year and when needed owns a house
8 7	Freedom and respect to personal choices	Arabic at home and French	Once a year and when needed owns a house
8 8	Human rights	Arabic at home and French	Inmate used to go
8 9	Equal treatment Belgian citizen	Arabic at home and French	Inmate used to go owns a house
9 0	Respect to individual rights	Arabic at home and French	Inmate used to go
9 1	Freedom and democracy	Arabic and French	Inmate used to go
9 2	Equal treatment	Arabic at home and French	Inmate used to go owns a house
3 9	Respect and equal juridical rights	Arabic at home and French	Inmate used to go
4 9	Respect and freedom	Arabic at home and French	Inmate used to go

9 5	Democracy Belgian citizen	Arabic at home and French	Inmate used to go
9 6	Equal rights and respect to personal choices	Arabic at home and French	Inmate used to go
7 9	Health security and Democracy	Arabic at home and French	Inmate used to go
8 9	Democracy	French	Once a year and when needed
9	Respect to each other	French and Arabic	Once a year and when needed
1 0 0	Democracy	French only	Once a year and when needed
1 0 1	Democracy	French and Arabic	Once a year and when needed
1 0 2	Religious freedom	French and Turkish at home	Once a year and when needed
1 0 3	Democracy and social security	French and Turkish at home	Once a year and when needed
1 0 4	Democracy and gender equality	French and English	Once a year and when needed
1 0 5	Working conditions	French and Arabic at home	Once a year and when needed
1 0 6	Democracy and freedom	French and German	Once a year and when needed
1 0 7	Social security and democracy	French and Turkish at home	Once a year and when needed
1 0 8	All the European values	Arabic and Dutch	He does not go

APPENDIX 4.4

SOURCES OF JURISTIC HELP AND IMPORTANT RELIGIOUS PRACTICES

code	Sources of Religious Juristic Help	Important Religious Practices
1	Self-searching because some leaders misled young people He follows <i>imam</i> Malik <i>fiqh</i> [Muwatta]	Prayers and doing good especially to Muslims are the most important Islamic practices
2	He seeks help from the local <i>imam</i> and the <i>mufti</i>	Prayers together fasting and celebrating the two big feasts
3	As an <i>imam</i> he helps others and refers them to <i>muftis</i> when needed	Practicing the five pillars in Islam and helping people in need
4	She seeks help from books	Prayers and respecting others
5	He has his own resources because many leaders are not educated.	Prayers, fasting and telling the truth are the most important practices.
6	He is selective in seek in help. Qaradawi as one of the best	Prayers and internal <i>Jihad</i> are the most important practices
7	She reads to find out from some books she likes	The five pillars of Islam especially Zakat
8	He asks <i>muftis</i>	Prayers is the most important
9	She prefers reading books to find out	Prayers and keeping Islamic culture: wearing the veils are most important
10	she is selective reading fatwas of Qaradawi	Living as a good Muslim is more important than practicing all duties
11	He seeks help from writings of <i>imams</i> Gazali and Qaradawi	The five pillars of Islam specially prayers together are the most important
2	He prefers reading to find out	Zakat is the most important
3	He is selective reading from Shi'ite traditions	Prayers and keeping Islamic laws in European context
4	She prefers reading the Quran and commentaries asks if needed	Prayers and reciting the Qur'an are more important
5	She reads books and checks the internet or asks local <i>imams</i>	All Islamic duties especially the five pillars are important
6	He seeks help from the internet as there are no good <i>Muftis</i> in Belgium	Performing prayers in due times, Zakat and reciting the Qur'an are the most important
7	He likes to find out for himself	The five pillars and keeping Islamic laws in practical issues
	He reads books seeking help	All the five pillars of Islam are

8	from good muftis if needed	equally important
9	She and her husband ask local imam	Performing religious duties and respecting non-Muslims are equally important
0	He asks imam	Islamic five pillars and to live in peace with others
1	He keeps family traditions in reading books to find out	The five pillars are more important
2	Reads particular Salafi texts	The five pillars and the keeping of Islamic laws as set by the Shari'ah
3	Local imam if needed	The five pillars and keeping Islamic laws especially in the daily life issues
4	He searches the internet and imams when needed	Five pillars of Islam
5	She asks her husband when needed as he knows a good imam	The five pillars are equally important
6	Local imam if needed	The most important after the five pillars and to respect others
7	They have an imam in the family and he help them	Prayers and helping the needy are the most important
8	She follows family practices sometimes asks local imam	Prayers and respecting others
9	She does not need	The five pillars and the feasts' Respect human freedom that the law allows
0	Local imam if needed	Respect others when they are different
1	He reads and asks imams when needed	Prayers and Zakat are the most important
2	Local imam if needed	Prayers are the most important
3	Local imam if needed	Prayers and respect everybody
4	Local imam if needed	Prayers, fasting and respect
5	He reads and sometimes asks local imams	All duties as prescribed by Allah are equally important
6	He asks moderate imams as some discourage Muslims even to accept Belgium citizenship	Prayers, fasting and doing good to all are the most important
7	She seeks help from the teaching of muftis like al-Qaradawi	Prayers and fasting are the most important
8	He seeks help from selective imams who	All duties of Islam are equally important
9	Local imam if needed	Prayers giving and not harming others
0	He seeks fatwas issued by al-Qaradawi	Jihad is the most important of all duties
1	He inquires and applies the fatwas of al-Qaradawi	Prayers and fasting are the most important

2	He always seeks help from imams	Prayers and fasting
3	Selective of imam Qaradawi in the internet	All the five pillars of Islam especially prayers and fasting
4	He prefers to find out using the internet	The five pillars especially prayers and fasting
5	He is selective and seeks the internet	Prayers and doing good are the most important
6	He is selective and asks only imams	The five pillars especially prayers
7	He asks a local imam	Prayers , fasting and Zakat
8	He asks only conservative imams	Prayers and fasting
9	Local imam if needed	Prayers and fasting
0	He seeks help only from muftis like Qaradawi	The five pillars especially prayers are the most important
1	Local imam if needed	Prayers and doing good to others
2	His family is a very conservative family asks only imams	Prayers and fasting are the most important
3	He seeks muftis whom he knew in homeland	Prayers and fasting are the most important
5 44	Local imam if needed	Prayers and respecting the others are the most important
5	He asks local imams	All pillars especially Prayers
56	He seeks the help of imams from home country	Prayers and religious feasts are the most important
57	Local imam if needed	The five pillars especially prayers
58	They follow the teaching of a local imam	Prayers is the most important
59	The local imam helps the family when needed	Prayers and doing good to all are the most important
60	Local imam if needed	Prayers
61	He seeks the helps of local imam if needed	Prayers , fasting and Zakat are the most important
62	He consults books on fatwas of Qaradawi	The five pillars especially prayers
3	He consults selected leaders	Prayers is the most important
64	Imam Qaradawi is her good source for help	Prayers at due times, fasting and Zakat
65	He does his own selected research	The five pillars of Islam and reciting the Qur'an
66	He does his own selected research	The five pillars and internal jihad
67	She does her own internet research	Prayers and doing good to others

68	Local <i>imam</i> if needed	<i>Prayers</i> is the most important
69	He does his own <i>selected research</i>	The <i>five pillars</i> especially <i>prayers</i>
70	He does his own <i>research comparing different opinions</i>	All duties specially <i>prayers</i> and fasting are the most important
71	<i>Imam</i> Qaradawi is a good source. I <i>apply his fatwas</i>	<i>Prayers</i> and help fellow Muslims especially those who are in need
72	Local <i>Imam</i> and <i>books</i>	<i>Prayers</i> and fasting
73	Local <i>imam</i>	<i>Prayers</i> are the most important
74	He applies the teaching of <i>Salafi imams</i>	<i>Prayers</i> and <i>Da'wah</i> [mission] are the most important
75	Local <i>imam</i>	<i>Prayers</i> is the most important
76	Local <i>imam</i>	<i>Prayers</i> and Islamic feasts
77	Local <i>imam</i>	<i>Prayers</i> and respect to others
78	<i>Personal research</i> Internet	<i>Prayers</i> and religious feasts are the most important
79	A <i>particular</i> local <i>imam</i> if needed	<i>Prayers</i> and fasting
80	He <i>researches internet</i> for help	<i>Prayers</i> , fasting and feasts
81	He <i>does his own research</i>	<i>Prayers</i> are the most important
82	<i>Imam</i> Qaradawi and <i>likewise</i> teachings	All duties of Islam are important
3	<i>Imams</i> of The Islamic Centre of <i>Brussels</i>	Islam <i>duties</i> and celebrating religious feasts are the most important
4	<i>Imams</i> of The Islamic Centre of <i>Brussels</i>	<i>Duties</i> as well Islamic Shari'ah laws in practical daily issues
5	<i>Imams</i> of The Islamic Centre of <i>Brussels</i>	All <i>duties</i> are the most important
6	<i>Imams</i> of The Islamic Centre of <i>Brussels</i>	All <i>duties</i> are equally important
7	Local <i>imam</i>	The <i>five pillars</i> of Islam are important
8	Local <i>imam</i>	<i>Prayers</i> and fasting
9	Local <i>imam</i>	<i>Prayers</i> is the most important
0	Local <i>imam</i>	All <i>duties</i> and respecting Islamic culture are important
1	Local <i>imam</i>	Islamic <i>prayers</i> and feasts
2	Local <i>imam</i>	Islamic <i>duties</i> are equally important
3	Local <i>imam</i>	<i>Prayers</i> and religious feasts
4	Local <i>imam</i>	<i>Prayers</i> are the most important
5	Local <i>imam</i>	<i>Prayers</i> and fasting
6	Local <i>imam</i>	All <i>duties</i> are equally important

7	Local <i>imam</i>	<i>Prayers</i> and fasting are the most important
8	<i>Imams</i> of The Islamic Centre of <i>Brussels</i>	<i>Prayers</i> as well as other duties are equally important
9	<i>Imams</i> of The Islamic Centre of <i>Brussels</i>	<i>Prayers are</i> the most important
00	<i>Imams</i> of The Islamic Centre of <i>Brussels</i>	<i>Prayers</i> and living as good Muslims helping others especially Muslims
01	<i>Imams</i> of The Islamic Centre of <i>Brussels</i>	<i>Prayers</i> are important
02	<i>Imams</i> of The Islamic Centre of <i>Brussels</i>	<i>Prayers</i> and helping needy Muslims are the most important
03	Local imams	<i>Prayers</i> and respect the others are the most important
04	<i>Imams</i> of The Islamic Centre of <i>Brussels</i>	<i>Prayers</i> and feasts are the most important
05	Local <i>imam</i>	All duties of Islam are equally important and respecting non-Muslims
06	Local <i>imam</i> and self-searching	<i>Prayers</i> is the most important duty
07	If needed local <i>imam</i>	<i>Prayers</i> and pilgrimage are the most important
08	Self-searching	<i>Prayers</i> are the most important

APPENDIX 4.5

DESIRES, EXPECTATIONS AND ANTICIPATIONS

Code	Hopes from the Majority	Hopes from Authorities	Anticipations for the Future
1. M 2 nd G S P	Not to criticize the way Muslims dress Such as wearing the veil or leaving beards	To recognise Islamic feasts as national feasts More Mosques	I do not know But I expect Europe to contribute more
2.M 1 st G S P	Not to see Muslims as 'immigrants' as they do not belong to lands of origin neither	To allow the building of minarets and to recognise the two big feasts More Mosques	I expect both to contribute to each other hoping that Muslims show more respect to non-Muslims that they may see Islam in practise as a good alternative way of life
3.M 1 st G WP	To forbid the extreme right practices in both sides [Muslims and non-Muslims]	To recognise Islamic feasts as holidays. More Mosques	I expect both to contribute to each other and expects that the future depends more on Muslims
4.F 2 nd G W P	To accept Europeans Muslims who might be different than other Europeans	To consider the two days of feasts as holidays More Mosques	I expect both to contribute to each other and that Muslims become European Muslims and act differently than in home countries
5.M 1 st G W P	To respect Muslims even when do not dress, eat, and drink like non-Muslims	To integrate more Islamic traditions in society More Mosques	I hope Belgium becomes more Islamic
6.M 1 st G S P	To respect Muslims ways of living together/ respecting family ties	To respect our feasts. To allow women veils at work More Mosques	I expect both to contribute to each other, but the future depends on Muslims especially if Muslims set a good example /not to fight each other
7.Fe 1 st G S P	To see Belgian women better dressed [covered]	To allow Muslim women veils/ to kill the feast sacrifice at home and to allow public prayers call	I would like to see Islam spread in Belgium
8.M 1 st G W P	Belgians stop immoral sexual behaviours in public	To give Muslims time while working to pray More Mosques	I would like to see Belgium as a Muslim state
9.Fe	Not to force Muslims to	To allow more Islamic	I hope that

2ndG S P	become like non-Muslims	traditions such as religious evenings in Ramadan More Mosques	Muslims have more children, become a majority in charge of the country
10.F 2nd G W P	To accept that Muslim women may dress differently	To accept women to work with their veils. Allow time to pray during work	I see the future is for Muslims

11M 1st G W P	To accept if more Islamic media programmes are allowed	To allow calls for prayers, acknowledge Islamic feasts and Ramadan	I would like to see Belgium as European and Islamic state better than my country of origin
12M 1st G L P	To accept that Muslims may feast religious nights in Ramadan [in public]	Feasts as national holydays	I think Europe will challenge Islam. And I hope Belgium will not fall in the hands of fanatical Muslims and become like home countries
13M 1st G W P	He would like the majority to talk [fellowship] with the minority	To allow Muslims to pray in groups during working hours	I expect both to contribute to each other and hope that Muslims present Islam better than just insisting on veils and growing beard
14Fe 2nd G S P	She would like to experience more respect from the majority	To allow Muslims keep their traditions of raising children respecting elderly and strong family ties	Islam will gain more respect and victory [success] not only in Belgium but in whole Europe
15Fe 1st G W P	To respect the minority	Allow holidays for feasts and better train imams or to set conditions for choosing them	I hope by 2020 Muslims will be at least 30% of Belgium's populations a more significant minority
16M 2nd G W P	To accept Muslim traditions to become part of Belgian community	He would like the Belgium government to oblige Muslims choosing qualified imams	The number of Muslims is increasing in Belgium and the future belongs to them
17M 1st G S P	He knows that Belgium belonged to the majority, but they should accept new realities	To allow Muslims keeping traditions especially the social /religious events in the Ramadan	I hope Muslims maintain their religion and not to replace it with any other ideologies
18M 1st G	Respect Islamic culture	More tolerance especially allowing	I expect both to contribute to each

W P		Muslims to feast as they feast in home countries	other and hope Muslims accept and respect their differences. Shi'a and Sunni to have better relations
19Fe 2nd G L P	Muslims have what they need. He hopes situations do not change	Not to give up European values	I expect both to contribute to each other and hope Muslims to become more moderate and to respect European life styles
20M 1st G L P	To become stricter against any groups who may try to force their ideologies on others	To hold more European values especially issues of human rights and freedom of choice	I expect life in Europe to challenge Islam and hope Muslims respect the choices of 'the other' even those who do not want to believe
21M 1st G W P	To force Muslims leaders applying equal rights to all Muslims	To accept the rights of all forms of Islam and not just the Islam of the majority	I expect European culture to challenge Islam and hope to jurists help Muslims to cope with life in Europe
22M 1st G S P	To let Muslims, choose for themselves and do not impose non-Islamic laws on Muslims	To accept the veils and not to discriminate Muslim veiled women from education or work	The future is for Islam. Belgium will become a Muslim state.
23M 1st G L P	Muslim jurists encourage equal rights and respect the rights of Sufi Muslims	To continue offering equal rights to all.	I expect European laws to challenge Islam and hope the future will be better for all
24M 2nd G W P	To respect Muslims and Muslims respect non-Muslims	To allow us to build mosques with minarets	I expect both to contribute to each other and hope that jurists to moderate Islam
25Fe 2nd G L P	To respect differences even the choice for females head cover	To acknowledge Islamic holidays specially the two feasts	I expect European culture to challenge Islam and hope the future will be better for Muslims
26M 1st G L P	Respect for each	To continue protecting freedom of choice to all	I expect both to contribute to each other and hope the future will be better for all

27M 1 st G W P	Respect for Muslims' culture especially family traditions	To permit Muslims to apply Islamic family laws	The future is for Muslims they gradually will become the majority
28F 1 st G L P	Respect for each other	To keep values of democracy and freedom of choice	I expect both to contribute to each other hoping the future will continue to be the same and no negative change
29F 2 nd G L P	Mutual respect for different choices the law allows	To maintain freedom of choices	I expect Muslims to be challenged and the future will be better for all
30M 1 st G L P	To keep the multicultural society	To impose security to protect against extremism	The European values of freedom will win, and future will be better for Muslims
31M 1 st G L P	Muslims respect non-Muslims and vice versa	To maintain human freedom of choice	I expect both to contribute to each other, but the future will be for European culture
32Fe 1 st G W P	Muslim community respect women rights as the majority do	To maintain dignity for elderly people	I expect European culture to challenge jurists and hope that they help Muslims not fall in the hands of extremists
33Fe 1 st G L P	Respect for women freedom in dress	More security in society against extremists in both sides	The future will be the same and the European culture will continue to challenge Muslims.
34Fe 1 st G L P	Respect for the other	To permit Muslims to the Islamic traditions they choose	I expect both to contribute to each other and hope the voice of moderate jurists will win
35M 1 st G S P	Respect Islamic traditions	To allow more freedom to Muslims to apply their Islamic laws	The future is for Islam
36M 1 st G W P	To accept if Muslims become the majority	To make better choices of <i>imams</i> as they are the ones who lead the community	I hope for the establishment of more Islamic financial institutions and schools in Europe
37Fe 1 st G W P	To respect differences	To allow more Islamic media and include Islamic culture in school education	I think more Belgians will convert to Islam

38M 1 st G W P	Belgians acting morally in public respecting Islamic culture	Equal opportunities in media	I expect Belgium to become more Islamic
39M 1 st G W P	To respect Islamic traditions	To permit religious feasts in public	I expect Belgium culture will challenge Islamic culture and hope Muslims to accept change
40M 1 st G W P	To permit cultural differences	Not to let extremists misuse freedom	I hope Muslims to adopt more from European culture

41M 1 st G W P	To respect Islamic culture	To consider Islamic feasts as national feasts	I expect Muslims gradually become more than non-Muslims
42M 1 st G W P	To stop drinking wine in public as well as gambling	To allow more Islamic social and religious media programmes	He hopes that God will lead Belgians to Islam, so the number of Muslims increases
43Fe 2 nd G W P	To stop adultery in public	To allow Islamic religious feasts as public events	He expects Belgian values to win and hopes for peaceful future as Belgians are already afraid of the threat of Islam
44M 2 nd G W P	Belgian women to dress more 'conservative' [like Muslims]	To allow Muslim women to dress according to our traditions	The future is for Islam
45M 1 st G L P	Respect to each other	To be stricter with any kind of extremism	Belgium will continue as now challenging Islamic norms that are not in line with western values
46M 2 nd G S P	Respect Islamic dress codes	Allowing Islamic female dress at schools and work	Belgium will become European and Islamic
47M 1 st G W P	Respect each other	Not to allow laws against equality between men and women	Belgium will continue as tolerant as now and influence that of Islam
48M 1 st G S P	To consider the Islamic women dress codes as better for Belgian women	To consider Islamic feasts as national holy days especially at schools	Belgium will become Islamic
49M 2 nd G W P	To respect Islamic traditions	To allow the building of Mosques and minarets	The future is for Islam
50M	To respect our	To allow more	Islam will grow in

1 st G W P	traditions	Islamic social and religious media	Belgium
51Fe 2 nd G W P	To respect each other	To all Islamic women dress at work	The number of Muslims will increase
52M 2 nd G S P	Not to criticize the prophet or Islamic values	To allow the building of minarets	Belgium will become more Islamic
53M 1 st G S P	Respect our ways of raising children	More Islamic media programmes	More Belgians become Muslims
54M 1 st G L P	To respect each other	More Islamic cultural media programmes	Belgium will continue as now the respect to freedom and human rights will influence Muslims
55M 2 nd G W P	To respect Islamic traditions	To allow more Islamic schools	Belgium will become more Islamic
56M 2 nd G W P	To respect Islamic traditions	To accept Islamic feasts as national holidays	The number of Muslims increase
57M 2 nd G W P	To accept the Islamic women's dress codes	To accept Islamic feasts as national holidays	Belgium will become a Muslim state
58M 2 nd G W P	Not to criticize Islamic prophet	To forbid criticism to religious values	Belgium will become a Muslim state
59Fe 2 nd G W P	To respect Muslims	To allow Muslims to speak more about Islam in Media	Belgium will become a Muslim state
60Fe 2 nd G W P	Belgians become more serious about religion	To allow the buildings of minarets and calls to prayer	Belgium will become a Muslim state
61M 2 nd G W P	To respect Muslims traditions	More Islamic media programmes	He does not know but hopes his children will be protected against non-Islamic values that will win over Islamic ones
62M 1 st G W P	Belgian women to be dressed in a respectable way	To allow Muslims in the feast of sacrifice to kill the sacrifices at home as in Morocco	He is not optimistic about the future of Islam / children will be influenced by non-Islamic values
63M 1 st G W P	To respect Islamic traditions	To allow reciting the Qur'an in media	The future is for Islam
64Fe 1 st G W P	Women to be more 'conservative' in their dress	To allow the call for prayer and Quranic schools	Belgium to become an Islamic state

65M 2 nd G S P	Women dress codes to become Islamic	To allow the building of more Islamic schools	Belgium to become an Islamic state
66M 1 st G S P	To respect Islamic traditions	To allow Islamic institutions such as banks and schools	The future is for Islam
67Fe 2 nd G W P	To respect each other's traditions	To allow applying Islamic family laws	That religious freedom will continue challenging that of Islam
68Fe 1 st G L P	That they continue respecting personal freedom and not to listen to extremists	To protect society against the spread of Islamic extremism	Belgium to continue as a free country where human rights are respected and will win
69M 1 st G S P	To respect Islamic way of public life	To allow more Islamic Media programmes	Belgium will become Islamic
70M 1 st G S P	To respect Muslims as Muslims, respect non-Muslims	Allow more Islamic traditions in Media	More Belgians become Muslims
71M 2 nd G W P	To learn from Islamic ethics especially in the areas of relationships	To allow more Islamic media programmes	Muslims will become majority in Belgium
72M 1 st G W P	To treat us [in practice] with respect as we treat them with respect	To allow the building of more places for prayers	Islam will become the religion of the majority
73M 2 nd G W P	To respect us especially the way men and women dress	To allow building Mosques and allow calls to prayer	Belgium becomes European and Islamic nation
74M 1 st G S P	To respect Islamic family traditions	To leave us to apply our own Islamic rules	The number of Muslims will increase
75M 2 nd G W P	To learn from each other and to contribute to each other's welfare	To continue respecting religious freedom	Belgium values will remain as a free country as it is now and will not fall in the hands of Muslim extremists
76M 2 nd G S P	Muslims and non- Muslims respect religious freedom	To keep strict rules granting human rights especially to minorities	Belgium will remain a country of religious freedom and challenge that of Islam
77M 2 nd G W P	To accept Muslims as European regardless to differences	To give more rights to Muslims as the second largest group	The future is for Islam
78M 2 nd G W P	To respect differences expressions in public life	To continue giving equal rights to all religious groups	Belgium will continue as today challenging Islamic values

79M 2 nd G W P	Both Muslims and non-Muslims respect cultural differences	To allow Islamic media especially in times of feasts	The future is for Islam
80M 2 nd G W P	Mutual respect and acceptance religious differences	To allow the building of Mosques	The future is for Islam
81M 2 nd G W P	To accept that Islamic culture could become dominate	The building of Mosques, minarets and to allow calls to prayer	Islam will become the religion of the majority
82M 1 st G W P	Respect cultural differences	To accept if the majority want to apply Islamic laws	Islam will continue
83M 1 st G W P	Mutual respect	To accept the contribution of Islam	Islam will become the religion of the majority
84M 1 st G S P	Respect the differences	Minority and majority are not absolute the situation will change and should be accepted	Islam will become the religion of the majority
85M 1 st G S P	Accept Islam as a way of life and not only as a religion	To accept what Muslims, see as good for themselves	Islam will become the religion of the majority
86M 1 st G S P	Mutual respect	Respect is a two- way challenge	Islam will become the religion of the majority
87M 1 st G W P	To continue respecting differences	To see Islam not as a threat to Europeans	Islam will continue
88M 2 nd G W P	To accept us the way we are	To accept Islamic values as public values	Islam will continue and Muslims will grow
89M 2 nd G W P	Respect Islamic culture	More Mosques to be built	Islam will continue and Muslims will grow
90M 2 nd G W P	Mutual respect	More working possibilities	Islam will continue and Muslims will grow
91M 2 nd G W P	Good relationships with each other	Not to see us as criminals	Islam will continue and Muslims will grow
92M 2 nd G W P	Respect Islamic culture	To give more working chances to Muslims	Islam will continue and Muslims will grow
93M 1 st G W P	Respect to Muslim women code of dress and relationships with men	Allowing Muslims to build more prayer places	Islam will continue and Muslims will grow
94M 1 st G W P	To accept that Muslims are different	Consider Islamic feasts as public holidays	He expects both to contribute to each other

95M 1 st G W P	To respect Muslims	Allowing more media time for Muslims	Islam will continue
96M 1 st G W P	Not to criticise Islamic culture	To allow the building of mosques	Islam will continue and contribute more to European civilization
97M 1 st G W P	To accept that Muslims are different	Allowing more Islamic institutions	Muslims will grow and become majority
98M 2 nd G W P	To accept Muslims the way they are	Setting out time for prayers during work Allow feasts as public holidays and religious media for Muslims	Islam will continue
99M 2 nd G W P	Not to criticise Islamic morals	Islamic banks	Islam will continue
100M 2 nd G W P	He feels ok with the majority	To continue giving equal rights to all	He expects both to contribute to each other and hopes European Islam will be developed as moderate
101M 2 nd G W P	To respect Muslims as Muslims, respect the majority	Allowing more Islamic institutions	Islam will continue
102F 2 nd G W P	To accept the bases of Islamic personal purity	To give Muslims equal rights as others	Islam will become dominant
103F 2 nd G W P	She has all what she expects	Allowing Muslims to build schools	Islam will continue
104M 1 st G W P	Mutual respect	We want nothing more	Islam will continue as a culture for the majority
105M 2 nd G W P	He is accepted by the majority	Allowing Islamic feasts as public holidays	Islam will continue and grow
106M 2 nd G W P	Mutual respect especially between younger generations	To allow Muslims to pray in groups at work	Islam will continue as part of European life and will adopt more western values
107M 2 nd G L P	He needs nothing more	Building mosques with migrants	Islam will continue and becomes the religion of the majority
108 M 1 st G W P	He wants the minority to respect the non- Muslim majority	Not to let Islamic authorities control us as they do at home countries	Europe to keep its values and continue challenging Islam

Appendix 4. 6
Discussion Validity Groups

Issue	<u>Discussion Group One</u> <u>04/05/2017</u> Male 1 st Generation 36-65 Moroccan Sunni Male 1 st G 36-65 Moroccan Sunni Male 1 st G 36-65 Moroccan Sunni Male 1 st G. More than 65 Algerian Sunni Male 1 st G 36-65 Palestinian Sunni	<u>Discussion Group</u> <u>Two 11/05/2017</u> Male 1 st G. 36-65 Sunni Moroccan Male 1 st G 36-65 Sunni Moroccan Male 1 st G 36- 65Shia Moroccan Male 1 st G 18-35 Sunni Moroccan Male 1 st G 36-65 Sunni Algerian
Job that Require dealing in prohibited for Necessities	75% Yes 25% No	75% Yes 25% No
Enrolments in Cooking schools dealing in Prohibited	82% Yes 18% No	86% Yes 14% No
Dealing in Non-Islamic Finances when no Alternatives Mortgages loans for non- Islamic banks Loans for Self-Employed From non-Islamic banks European Insurances	Banking 97% Yes 3% No Mortgages 100% Yes 70% Yes 30% No 100% Yes	Banking 97% YES 3% No Mortgages 100% Yes 72% Yes 28 % No 100% Yes
Possibilities for Applications of European Family Laws rather than Shari'ah	76% No 24% Conditional Yes if writing wills	82% No 18% Conditional Yes if writing wills
Allowing Muslim Famels to Marry of their Choices including Non-Muslim	100% No	100% No
Having / or not Having Children in Europe	94% Yes Parents Responsibilities to Teach Islam	97% Yes Parents Responsibilities to Teach Islam

Appendix 8.1 Purify your Income

Conviction

Islamic Relief
Relief for Humanity

**DEBARRASSEZ-VOUS DE VOS
INTERETS BANCAIRES !**

**ONTDOE U VAN UW
BANKINTRESTEN!**

**BANKA HESABINIZDAKI
FAIZLERDEN KURTULUN !**

تخلصوا من الفوائد البنكية



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**DEBARRASSEZ-VOUS
DE VOS INTERETS BANCAIRES !**

ONTDOE U VAN UW BANKINTRESTEN!

**BANKA HESABINIZDAKI
FAIZLERDEN KURTULUN !**

تخلصوا من الفوائد البنكية

Bankintresten

De Europese Majlis van de Fatwa* beschouwt dat de bankintresten volledig illiciet zijn voor persoonlijk gebruik, maar wel toegelaten zijn voor giften aan minderbedeelden. Gebruik uw bankintresten dus voor de armere volkeren door middel van de talrijke projecten van Islamic Relief.

*de 7de sessie van de Europese Fatwa Council

Interêts bancaires

Le Majlis Européen de la Fatwa* considère l'intérêt bancaire comme étant strictement illicite à usage personnel, mais celui-ci autorise son utilisation sous forme de dons aux pauvres. Rendez vos intérêts bancaires bénéfiques pour les nécessiteux à travers les projets d'Islamic Relief.

*la 7ème session du Conseil Européen de la Fatwa

Banka hesabınızdaki faizler

Avrupa Fetva Meclisi*, faizin haram ve kesinlikle kişisel harcamalarda kullanılmayacağını belirtiyorlar. Fakat, haram olan bu parayı fakirlere vererek kurtulmanın mümkün olduğunu bildiriyor. Islamic Relief, insani yardım projelerini sizlere, banka hesabınızdaki faizleri ise fakirlere sunuyor...

* Avrupa Fetva Meclisi 7. oturumu

تخلصوا من الفوائد البنكية

الفوائد البنكية

أُجَارَ المجالس الأوروپي للإفتاء في دورته السابعة للمؤسسات الخيرية جمع الفوائد البنكية من المتبرعين. تقوم الإغاثة الإسلامية بجمع فوائدكم البنكية وتحولها إلى مشاريع تنموية وكنية المدارس والمستشفيات...

- لصالح الفقراء والمحتاجين عبر العالم

Islamic Relief
Relief for Humanity




IBAN: BE09 0000 0012 2157

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- ECFR Fourth Session: Dublin, Ireland 18-22 Rajab 1420 AH, 27-31 October 1999
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ECFR Eighth Session: Valencia, Spain 26 Rabi' Thani - 1 Jumada Al-Awwal 1422AH, 18-22 July 2001

ECFR Ninth Session: Paris 3-7 of Jumada al-Ula 1423 AH, 13-17 July 2002

ECFR Fifteenth Session: Dublin, Ireland 22-26 of Jumada Al Ula, 1426 AH, 29th June 03rd of July 2005

ECFR Sixteenth Session: Istanbul, Turkey 7-13 Jumada Al-Akhira 1427 AH, 03 – 09/07/ 2006

ECFR Seventeenth Session: Sarajevo, Bosnia and Herzegovina 28 Rabi' Al-Akhar – 2 Jumada Al- 'Ula, 1428 AH, 15 – 19 /07/ 2007

ECFR Eighteenth Session: Paris, France 27Jumada Al-Akhira- 2 Rajab, 1429 AH 01 – 05 /07/ 2008

ECFR Nineteenth Session: Istanbul, Turkey 08 – 12 Rajab 1430 AH, 30/06 -04/09/ 2009

ECFR Twentieth Session: Istanbul, Turkey 12 – 15 Rajab, 1431 AH, 24– 27 /06/ 2010

ECFR Twenty First Session: Dublin, Ireland in 27 Rajab – 1 Sha'ban, 1431 AH, 28/06– 01/07/ 2011

ECFR Twenty Second Session: Istanbul, Turkey 06 – 10 Sha'ban, 1433 AH, 26-30/ 07 2012

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